

L. H. L. K.
THE

Historical Register,

Containing

An Impartial RELATION
of all TRANSACTIONS, Foreign
and *Domestick*.

WITH A

Chronological Diary

OF ALL

The remarkable OCCURRENCES,
viz. Births, Marriages, Deaths, Removals,
Promotions, &c. that happen'd in this
Year: Together with the *Characters* and
Parentage of Persons deceas'd, of emi-
nent Rank.

VOLUME XXI.

For the Year 1736.

L O N D O N,

Printed and sold by S. NEVILL in the Old Baily,
near Ludgate, where compleat Sets and single Parts may
be had, at 1 s. each Register. Sold also by E. Nutt at the
Royal Exchange, R. Gosling in Fleet-street, D. Browne
without Temple-Bar; C. King in Westminster-Hall, and
at the Sun Fire-Office behind the Royal Exchange.

7

W. Musgrave.

N. B. This Title is design'd for
such Persons as think fit to bind
the last Four *Registers* in one Vo-
lume: And for the same Reason is
added a Table of the Principal Mat-
ters contain'd in them.



A
T A B L E
O F T H E
P R I N C I P A L M A T T E R S
Contained in the
Twenty-first Vol.

L E T T E R from King Stanislaus to a Person of Distinction in Dantzick	Page 2, 14
— from the Marquess de Monti to the Russian General Count Munich	14, 17
Second Letter from the Marquess to the said General	17, 18
Manifesto of the Court of Russia to the Count de la Motte, Commander of the French Troops taken Prisoners in Fort Wechselmonde at Dantzick, and sent by him to the Court of France	18, 20
List of the French Prisoners in Wechselmonde	20, 21
The Oath taken by the conforming Lords, after the Surrender of Dantzick	21, 22
Declaration of a Senatus Consultum held at Oliva	22, 24
— of the Polish Lords who submitted to King Augustus	25, 26
Letter from those Lords to the Pope on that Occasion	26, 27
— from Count Munich to the Exarina	28
Manifesto of King Stanislaus, after his Retreat to Konigsberg	28, 34
Dietine of Szorda, and Resolutions taken therein	35, 37
The Germans oblige the Allies to raise the first Siege of Mirandola	38
The Lipari Islands taken by the Spaniards	40
Capua taken by ditto, the Articles of Capitulation	40, 41
Surrender and Capitulation of the Citadel of Messina, taken by ditto	41, 43
	Don

T A B L E.

<i>Don Carlos lands in Sicily</i>	Page 43
<i>Syracuse surrenders to him, upon Articles of Capitulation</i>	43, 44
<i>Surrender of Trepani, the last Place held out in Sicily</i>	44
<i>Don Carlos crown'd King of Sicily at Palermo</i>	44
<i>Duke de Montemar obliges the State of Lucca to pay him 20,000 Crowns, and for what Reason</i>	45
<i>He likewise obliges the State of Genoa to pay him 30,000 Ducats, and why</i>	46
<i>Monte Philippo and Porto Ercole, on the Coast of Tuscany, taken by the Spaniards</i>	46
<i>List of the Spanish Troops in Naples</i>	47
<i>— of ditto in Sicily and Lombardy</i>	48
<i>Mandate of the Bishop of Papoul</i>	49, 54
<i>Bull from Pope Clement XII. against an Arret of the Parliament of Paris</i>	56, 57
<i>Arret of the Parliament of Paris against a Pastoral Letter from the Archbishop of Cambray</i>	58, 59
<i>Arret of the French Council of State against the Bishop of Papoul</i>	60
<i>The Bishop's Answer to Cardinal de Fleury</i>	61
<i>The French Court puts a gross Affront on the Parliament of Paris</i>	61
<i>The Bishop of Valence's Speech to the French King, in the Name of the General Assembly of the Clergy of France,</i>	62, 64
<i>Revenues of the French Clergy in the Year 1694,</i>	64
<i>Amount of the Sale of the French East-India Company's Goods at l'Orient in 1735,</i>	65
<i>An English Ship insulted and attacked by a French Ship off the Western Islands, bound for Spain</i>	66
<i>The Commander of an English Merchantman insulted and sent to Prison by the Commandant at Dunkirk</i>	67
<i>List of British Ships in Commission</i>	68
<i>Treaty between Great Britain and Denmark</i>	68, 69
<i>Funeral of the Duke of Buckingham</i>	70, 75
<i>Petition of the Scotch Lords, with all the Debates and Proceedings thereupon, and also the Protests, and Names of the protesting Lords</i>	78, 152
<i>State of the National Debt, at 31 Dec. 1733, and 31 Dec. 1734, with the Produce of the Sinking Fund, &c.</i>	153, 156
<i>Debates in the House of Commons, on the Motion that the Number of effective Men to be provided for Guards and Garrisons in Great Britain, and for Guernsey and Jersey, for the Year 1735, should be 25,774 Men,</i>	158, 179
<i>Proceedings and Resolutions on the Post-Office</i>	179, 181
	Resolutions

T A B L E.

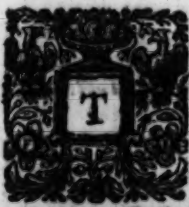
<i>Resolutions concerning the Supply</i>	Page 181, 182
<i>Motion for referring the Estimate of the Navy for the Year 1735, to a select Committee, with the Debates</i>	182, 198
<i>Debates on the Mutiny Bill</i>	198, 201
<i>Malt Act passed</i>	201
<i>Debates on the Treaty with Denmark, and the Subsidy to his Danish Majesty</i>	201, 210
<i>Motion for restraining Council from offering certain Sorts of Evidence at the Bar of the House in controverted Elections, &c. with Debates thereupon</i>	210, 217
<i>Debates on a Motion in the House of Lords, for an Address to his Majesty, that the several Instructions to his Minister in Poland in the Year 1729, should be laid before the House</i>	217, 226
<i>Debates on a Motion in the House of Lords, for an Address to his Majesty, that the Letters and Instructions sent to his Ministers at the Courts of France and Spain, relating to the Execution of the Treaty of Seville, should be laid before the House</i>	227, 231
<i>Resolutions in the House of Commons relating to the Supply</i>	232
<i>Petition of several Scotchmen, complaining to the House of illegal Imprisonment</i>	232, 234
<i>Further Resolutions on the Supply</i>	234, 235
<i>Further Debates in the House of Lords on the Mutiny Bill, occasioned by a Motion, that the Number of Land Forces for the Year 1735. should not exceed 17,704 Men</i>	236, 248
<i>Resolutions for the better Maintenance of the Poor</i>	249
<i>An Act for regulating and quartering of Soldiers, during the Time of Election of Members of Parliament</i>	252, 254
<i>Debates in the House of Lords on the said Bill</i>	255, 280
<i>Debates on a Bill for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for a Term therein mentioned</i>	280, 282
<i>— on a Motion made for passing a Bill for enabling his Majesty to apply the Sum of 1,000,000 l. out of the Sinking Fund, for the Service of the Year 1735,</i>	282, 310
<i>— on a Bill for explaining and amending an Act passed in the Year 1701, intituled, An Act for preventing wrongous Imprisonments, &c.</i>	310, 316
<i>The King gives the Royal Assent to several Bills</i>	317
<i>His Majesty's Speech to both Houses, at the Conclusion of the Sessions</i>	318
<i>— to both Houses, at the Opening of the Sessions of Parliament, Jan. 15, 1735-6,</i>	320
<i>Debates about drawing an Address to his Majesty</i>	322, 325
<i>The Address</i>	326

I

T H E

Historical Register.

NUMBER LXXXI.

HOUGH some of our crafty Neighbours made the Contest for the Crown of *Poland* one of their specious Pretexts for kindling up a War in *Europe*, which has since saddled the *British* Nation, not only with a round Expence but an additional Debt, wrested *Scily* and *Naples* out of the Hands of the House of *Austria*, and aggrandized the Family of *Bourbon* to a very portentous Height, by the Acquisition of those Kingdoms, and the Dutchies of *Lorrain* and *Bar*; we were, nevertheless, obliged to discontinue the Thread of so important a Dispute, to make Room for Transactions at home of no less Importance to *Britons*, in Regard to the Preservation of their Trade and their Liberties: We mean our Parliamentary Proceedings and Negotiations for a Peace. But as the Courts of *Versailles* and *Madrid* are now disposed, or at least politicly seem so, to afford some little breathing Time to *Christendom*; and Matter not being therefore likely to multiply so fast upon our Hands, for a Year or two to come, as it has done these twelve Months past, we shall resume our Historical Narration of the Scuffles in *Poland*, which we hope will contribute to the Instruction, as well as Amusement of our Readers.

In the Conclusion of Number 75 of our *Register*, we mentioned the Retreat of King *Stanislaus*, and the Surrender of *Dantzick* to the *Russian* Velt-Marshal Count *Munich*; but before we proceed any further in the Detail of the once as little expected as at present surprising Success of King *Augustus III.* let us see what became of his illustrious Competitor, the gallant Father-in-Law

A

of

of *Louis XV* of *France*, after he was constrained, by adverse Fate, and the ill Performance of the solemn Promises made him, to abandon his brave and faithful *Dantzickers* to the Mercy or rather Fury of their Enemies: This, indeed, is an Enquiry which cannot be better traced than by the Relation which that magnanimous Prince himself gives of his Escape, and the Dangers he ran through, in a Letter which he writ soon after his Arrival in *Prussia*, to a Person of Distinction in *Dantzick*: We therefore give it the Publick, not only as a Piece of the greatest Curiosity, but as an Example of the most heroick Patience, as well as the most exalted Fortitude and Courage of Majesty in Distress.

P O L A N D.

Letter from King Stanislaus to a Person of Distinction in Dantzick.

S I R,

AS I can easily figure to myself your Uneasiness at my leaving *Dantzick*, 'tis but just that I relate to you the Manner of it: The Zeal you have shewn for my Interest claims this from me; and you will see in it the all-powerful Hand of God, who can support us when every human Assistance fails, and we seem inevitably lost.

I am sensible that it has been thought imprudent in me to continue in that City till it was reduced to the last Extremity; but when we act from Principals of Conscience, of Honour, and of our Country, may we not be allow'd to arm ourselves against Danger, and to prefer to the Security our Persons those three Principles, which constitute the Man of Honour?

For besides that, I expected Succours daily, and a hasty Retreat would have put me out of Condition to receive them; I should, by my leaving *Dantzick*, have opened the Gates of it to the Enemy, the Magistrates holding out the Siege from no other Motive than to defend me. Thus, laying aside the Vanity which a Consciousness of Resolution and Intrepidity might inspire, I was obliged either to continue in the City, in Order that the expected Succours might have Time to arrive; or bury myself in the Ruins of it, with those brave Citizens, and those dear *Polish* Friends, who, with their Wives and Children shar'd my Fate. I persisted in this Resolution

till

'till the infamous Surrender of *Wechselmunde*, the capitulating of which, forced *Dantzickers*, with my Consent, to provide for their own Safety; upon which Occasion, finding they were going to change their Sovereign, I thought myself bound in Gratitude, not to expose them to the Grief of abandoning me, but to dispense with their Fidelity by my leaving their City, which, how desperate a Resistance soever had been made, could not have held out any longer; not to mention my being solicited by all the *Polish* Noblemen, who made their Safety consist in my Preservation; so that after the Enemy demanded the Surrender of my Person as the first Article of the Capitulation, I resolv'd to leave *Dantzick*.

'Twas on this Occasion I experienced the Zeal of those who are sincerely attach'd to my Interest, by the different Projects which were formed to facilitate my Escape, insomuch that a Lady, confiding in a Peasant of that Country whom she knew, was so much a Heroine, as to offer to disguise herself as a Peasant, and pass for my Wife.

Another Expedient was proposed to me, and this was, to put myself at the Head of an hundred intrepid Men, and force a Way thro' the Enemy: But I judg'd it impracticable, because of the Inundation, which extended three Leagues one Way, and of the Lines of Circumvallation on the other, which it would be impossible to pass on Horseback. The Method I concluded the safest, was that which the Ambassador proposed, and accordingly I went to his House, in Order to put it in Execution, in the Evening on the 27th of *June*, being *Sunday*, upon Pretence of spending a quiet Night there, by removing out of Danger of the Bombs, which began to fall in that Part where I resided.

At Ten in the Evening, having disguis'd myself as a Peasant, with only a course Shirt on, and accompanied by General *Steenflieth*, I left the Ambassador's House, to go and meet an Officer who waited for me on the Rampart, where being arriv'd we crossed the Ditch in two little Boats; the Officer leaving us behind rode forward to secure a Post held by a subaltern Officer and a few Soldiers; immediately a Quarrel arose, and in a Moment I saw the subaltern Officer present his Piece to the other, refusing either to let himself or his Company pass; his over-great Vigilance oblig'd the Officer to tell him that it was I; but the Subaltern Officer sus-

pecting his Veracity, came to the Boat, look'd me in my Face, and knowing me, tho' 'twas the Dusk of the Evening, made me a very low Bow, and wish'd me a good Journey. As the subaltern Officer knew me, I was assur'd that my Escape would be no longer a Secret, and consequently that my Safety was very precarious. After taking Leave of the Officer, we rowed thro' the Inundations, in Hopes of reaching the *Vistula* to cross it the same Night, and to arrive by Day-break beyond such Posts of the Enemy as lay nearest to the City. But how great was my Surprize, to see the Peasants, after they had rowed about a Quarter of a League, carry us to a poor Hut which stood in the Middle of the Waters, and tell us, that we must pass all that Night and the next Day in it, the Night being already too far advanced for us to get to the *Vistula* before Day-break. We were forced to obey, and accordingly landed, but with heavy Hearts, because of the little Haste we made, and the evident Hazard we run.

We went into the Room, and, as the Sight of it made me have no great Inclination to sleep, there not being so much as a Corner for me to rest myself, I took this Opportunity to get acquainted with my illustrious Company, which consisted of four Persons: The first was our chief Guide, who appeared to me the Moment I saw him, a very silly Fellow: He assumed an Air of Authority, and claiming Obedience to his Orders, would not suffer any one to debate or argue. I should willingly have submitted to this Subordination, had I not perceived that our Commander (tho' he was wholly unacquainted with such Posts of the Enemy as it was necessary for us to avoid, fir'd by no other Motive than the large Reward the Ambassador had promised him) was determined to conduct us at Random. The second, whose Name and Profession I enquired, answered, that he was a Merchant, but had fail'd; he spoke the *Polish* Tongue, and appeared a Person of Merit. The other two were *Schnaphans**, and seemed, by their Air and Manner, complete Villains. I spent the rest of the Night on a Bench, leaning upon the Merchant, with whom I made myself most familiar, by Means of the *Polish* Tongue, which gave us an Opportunity of conversing together with Ease.

On

Peasants who ramble about in Parties and rob Passengers.

On Monday Morning, being the 28th, I left the Room, in Order to take a View of the City, which was still bombarding. When I reflected on its unhappy Fate, especially as all the good faithful Friends I left in it would soon be obliged, against their Will, to declare themselves my Enemies, I could not possibly have felt greater Tortures, had my Entrails been torn away: But afterwards, reflecting on myself, not knowing whether to go, nor what to do; altho' I was so hardened by Misfortunes, I yet should have sunk under them, had it not been for the immediate Assistance of the Almighty. Whilst I was revolving these Things, I heard the Enemy fire from all their Batteries, and from their Fleet, accompany'd with a general Discharge of their small Arms: I concluded that this was by Way of rejoicing for the Taking of *Wechselmunde*, which gave me no little Disquiet; and indeed I was in such deep Affliction, that General *Steenflieth* was obliged to pull me by the Sleeve, and awake me as out of a deep Sleep, in Order to make me partake of a poor Soup he had dress'd. A little after a *Schnaphan* landed from his little Boat, saying, that his Captain had sent him, with a short Letter, and two little Pieces of dried Tongue for General *Steenflieth*. The Letter was sent to wish him a good Journey, but we could never discover who it came from, nor by what Means the *Schnaphan* found us out. I drew a mournful Consequence from hence, as it shew'd that our Departure from *Dantzick* was no longer a Secret; to which I added, the slow Progress we made; two important Articles, the failing in which could portend no Good; but Heaven was pleas'd to order it so, to keep us from confiding in human Measures, and oblige us to rely on his holy Providence only, by which he conducted us. I was very impatient all the Remainder of the Day 'till Night came, in the Beginning of which we embarked, rowing perpetually thro' Reeds and impracticable Places, being obliged every Moment, where there was no Depth of Water, to draw the Boat over Marshes into Ditches where there was some. About Midnight we arriv'd, as we thought, near the Bank of the *Vistula*, where our Conductors obliged us to land, and these, after holding Council together, without communicating the Particulars of it to us, order'd General *Steenflieth* to walk on Foot along the Bank with our chief Conductor, and the Bankrupt Merchant who spoke *Polish*; after which the two

Schnaphaus

Schnaphans went again into the Boat with me, assuring me that we should meet with our Companions at about a League distance from the Place where we then were.

I was no way pleased with this Separation, fearing that I should not meet again with General *Steenflieth*.

I suppos'd, that being now arriv'd at the *Vistula*, we were to cross it at this Place; but I was misstaken, for 'twas the farther Side of the *Nering*, whence there would have been no Possibility of our getting away.

After we had rowed on very painfully during two Hours, I, enquiring after our Comrades, was answered, that they were before, and that we should soon be up with them. As Day began to peep, and all the Houses thereabouts were frequented by *Muscovites* or *Cossacks*, it would not be possible for us to reach before the Gloom was dispelled, the Place where we were to cross the *Vistula*; we therefore were forced to stop once more at a House belonging to a Peasant, with whom my Conductors were acquainted. As we were going in, the Peasant was asked, whether any *Muscovite* lodg'd in his House; he answered there did not, but said that several came to it in the Day-time; notwithstanding this, we were forced to stay with him; a Moment after which my two *Schnaphans* took me into the Garret, threw me a Bundle of Straw, and bid me lie still, saying that they, in the mean Time, would be upon the Watch, and go in quest of my Companions.

After being kept awake two Nights, I wanted a little Sleep, but that was impossible; and finding my Bed very hard, I 'rose up, and look'd through a little Window, whence I saw, about twenty Paces from me, two *Muscovites*, who were looking after their Horses which fed in a Meadow: An Officer was walking up and down thereabouts, and a Party of *Cossacks* (six in Number) pass'd within half a dozen Paces from me. This unpleasing Sight oblig'd me to retire immediately to my Bundle of Straw, to reflect on the Means how to extricate myself from this Blockade, not knowing that it was still closer than I imagined; for the Landlady came and whispered me not to make a Noise, saying, that there were five *Cossacks* at Breakfast in her House. Upon receiving these Orders I did not stir once; and during the two Hours they stay'd there, I over-heard from my Garret all their Discourse, which related to the Siege of *Dantzick*. After they were gone, the Landlady, having probably reflected, by the Apartment

ment I had been thrust into, that there was some Mystery in all this, came again to me, ask'd me simply, whence I came, and who I was, saying, that she knew very well, by the German I spoke, that I was not one of that Country, and saw by my Face that I was not a Peasant. I made her believe whatever she pleased; but 'twas much worse when she told me that her House was in Danger, and that the *Muscovites* would burn her alive in Case they found me in it. I trembled at these Words, being afraid she would turn me out of Doors; but used all the Arguments possible to remove her Fears, and desired her not to disturb me.

'Twas on Tuesday the 29th, when finding myself alone in the Garret, separated from General *Steenflieth*, I suffer'd a very cruel Kind of Torment, which is, the being incapable to act when we are endued with the greatest Activity, and the being obliged to wait, motionless, in Expectation of the most dismal Accidents. This State of Inactivity suggested the most gloomy Reflections, in the Midst of which I made two that gave me real Consolation; first, that God had deprived me of General *Steenflieth*, the only Man who could assist me, purposely that I might confide in him only; and secondly, that a visible Divine Providence superintends all Things. You are to know, that at my leaving *Dantzick*, the Ambassador had given us two hundred Ducats, one hundred to *Steenflieth*, and one hundred to me. The Moment we set out, as I am not used to carry Money about me, and finding it heavy, I resolv'd to ease myself of it instantly, and give it *Steenflieth* to keep. However, notwithstanding the great Inclination I had to do this, yet (but how I cannot tell) I delay'd giving it him: And after we were separated, I consider'd the dreadful Condition I should have been in, had I been without a Penny about me: Which Circumstance revived me, and made me firmly believe, that I was under the immediate Protection of Heaven.

Quite tir'd with my present Situation, I came down, in Order to get some Intelligence from my Guides. These told me, that they knew General *Steenflieth* was not above a Quarter of a League off, and would come up with us that very Night, at the crossing of the *Vistula*; and that the Boat was quite ready to carry us over; but that, as the Wind blew very hard, they did not know whether it would be safe for us to cross, it being but a very small *Vedelin*. I told them, that we had no Time

for debating ; and that, as we could not run a greater Hazard, than in staying where we were, it was absolutely necessary for us to set out at all Adventures.

This Resolution being taken, the Moment it began to grow dark we slept into the Boat, and left it a Quarter of a League farther, at the Extremity of the Floods. We then walk'd a large League to the *Vistula* ; it being a Marsh, we walk'd, the greatest Part of the Way, up to the Knees in Mud. Being got to the Bank, one of my *Schnaphans* bid me stay there with his Comrade, saying, that he, in the mean Time, would go a Quarter of a League farther, and see whether the Boat was at the Place he had appointed. There we waited a full Hour for him ; when he at last returned, to tell us, that he had not found the Boat, and that the *Muscovites* must have carry'd it off. What could we do ? Only return from whence we came. Accordingly we walk'd another League back, and at last got to a House, the Landlord of which appear'd a rational, active, resolute Man. He engaged to procure me a Passage over the *Vistula*, and was as good as his Word ; and hiding me in his Garret, he went to look for a Boat, and to enquire whether it would be safe for us to cross over.

On Wednesday the 30th, not being able to sleep, as I was standing at my Garret Window, I had the Pleasure to see our chief Guide, who had wander'd with General *Steenflieth*, come into the House. Immediately I enquir'd after the General, and was answer'd, that he went the Night before, to the Rendezvous at the Passage of the *Vistula*, where the *Cossacks* met them on the Bank ; that he himself had taken to his Heels ; but as for General *Steenflieth*, he did not know what was become of him ; whence I concluded that I had quite lost him. Nevertheless, I behav'd with Courage under this new Disappointment, when I reflected, that since I was thus abandon'd, it would be absolutely necessary for me to rouze up all my Faculties, and not suffer myself to be over-power'd by Affliction, how grievous soever it might be. As I was thus labouring with these inward Struggles, my Landlord came, about Five in the Evening, and said, that he, indeed, had met with the Boat of a Fisherman, at whose House two *Muscovites* lodged, but that there was no getting thither, because of the great Number of *Cossacks* who were dispersed up and down, either to look after their Horses, that were grazing in the Meadows, or in Search of me, my retiring from

Dantzick

Dantzick being no longer a Secret, and that they seiz'd all such Peasants as were about my Age and Stature.

At this News I concluded, that it would now be impossible for me ever to escape. I then held a Council with the Peasants, the Result of which was, that we should continue that Night, and all the next Day in the same Place; which we did accordingly.

On Thursday the first of *July*, I again summon'd our Council, to enquire whether there was no other Passage where we might cross with Safety. I am to inform you, that our Consultations were regulated by a great Bottle of Brandy, which the Embassador had caused to be put into a Hamper, that serv'd as a Bottle-Case, with a Bottle of *Hungarian* Wine, to which, I may justly affirm, I ow'd my Subsistence, during the seven Days of my vagrant Life. To return to the Brandy; it was necessary to proportion the Quantity of it; for when my Peasants took but a Sup, they would be faint-hearted, and declare, they could not see how it would be possible for us to get forward, and that they were afraid of being taken and hang'd; but when they had drank more, they would have conducted me through the Enemy's Camp. By this Means I was ever fluctuating between two very dubious Extremes: Add to this, that I spoke so little *German*, that I could scarce explain myself, or understand their Jargon.

About six in the Evening, the Landlord of the House came, with an Air of Joy, and assured me, that all the *Cossacks*, who had been in the Neighbourhood the Night before, were gone; that the Passage was open, and that the Boat waited for me on the Shore of the *Vistula*, at a League's Distance from the Place where we then were. I waited very impatiently for the Dusk, which being come, I mounted a Horse, and set out with my Landlord, who got upon another. The Order of our March was thus; the Landlord was to ride before, I was to follow him at fifty Paces Distance, and the three Peasants were to walk on Foot, and form the Rear-Guard.

In this Manner we pass'd through dreadful Sloughs, in which my Horse, who could scarce stand upon his Legs, fell upon his Nose at almost every Step he took. We could perceive the Enemy's Fires every where round us, and were forced to pass, upon Account of the Ditches, very near the Village of *Heysmark*, where there was a very considerable Post. 'Twas here the Enemy embark'd

B

there

their Artillery and Ammunition, in Proportion as they arriv'd.

Having rode happily half a League without meeting with a single Person, my Landlord desired me to halt there, saying, that he, in the mean Time, would go once more, and see whether the Passage was open, the Place being most difficult of Access. I had not waited long before he return'd, in the utmost Surprise, and told us, that all the Neighbourhood thereabouts was full of other *Cossacks*; that he had even been examin'd, but had got clear, by declaring, that as he was carrying Provisions to the Army, he had lost Horses in the Meadows, and was then looking for them. At this News all my Companions were in the utmost Consternation, and declared unanimously, that we must return to the Place from whence we came. As we should have run a manifest Hazard in so doing, I assur'd them that I would never agree to it, and that all we had to do, was to arm ourselves with great Clubs, and knock down the *Cossacks*, in Case we were superior to them in Number, and could over-power them; or otherwise to use the same Expedient in which my Landlord had succeeded, viz. to say that we were looking for our Horses, which were stray'd in the Meadows. However, this Proposal was not relish'd, upon which my Landlord bid us halt, saying, he would go once more upon the look-out, and see whether he could find a Passage either to the Right or Left.

Whilst this was doing, (we all lying on our Bellies) my three miscreant Peasants were going to abandon me, declaring continually that they would not be hang'd. Hearing this, the only Favour I requested was, that they would stay 'till my Landlord came back. Accordingly, I prevail'd with them, and the Landlord return'd soon after, to tell us, that the *Cossacks* were gone, and that the Passage was open that Instant. Immediately I mounted my Horse, and my three Peasants follow'd me at a great Distance, firmly resolved to run away in Case any unlucky Thing besel me or my Landlord. We walked for half a League, 'till we came to the Bank, when we saw coming towards us a little *Muscovite* Waggon, with three Men in it; upon which we ran behind a Tree, and stood there unperceiv'd. We left our Horses at an hundred Paces from hence, and walk'd on Foot a Quarter of a League. My Landlord making me lie down among the Flags on the Shore of the *Vistula*, went in quest of the Boat. However, he did not leave me
long

long in this Posture, and I soon saw him return with the Boat, at the very Time that my three Peasants came up with us : We then embark'd, and, by the manifest Assistance of God, reached the other Side of the *Vistula*.

There we very fortunately found a large Village, where we arriv'd on Friday the 2d of *July*, at Day-break. I was no sooner got into it, but I ask'd for Horses, in order to proceed on my Journey ; but this was not possible. My Peasants, who now thought themselves out of Danger, went into a House, laid down, in spite of all the Arguments I could use, and fell into a deep Sleep. I was forced to let them sleep on, and walk about the House as Sentinel ; but grown quite weary of this Post, I return'd into the Room, when waking very gently, and with the utmost Caution, one of my Peasants, I intreated him, in the softest Words, to go and hire Horses for us. Accordingly he 'rose, went out, and return'd in about two Hours, but so drunk that he could scarce stand on his Legs, bringing with him a Man, who offer'd to hire us two Horses and a Calash ; but upon Condition, that we should leave the Value of them with one of the Townsmen, to prevent their losing any Thing by us, in Case we should be plunder'd by the *Cossacks*. As 'twas not our Business to haggle, and we wanted to be gone, I made short work of it, by purchasing the Equipage at the Price demanded, viz. 25 Ducats. While this was doing, a Crowd got round us, before whom my drunken Peasant began to expatiate on his great Merit, saying, that he would not be bubbled, but would know what Reward was to be given him, he having ventur'd his Neck to conduct me. Upon this, our chief Guide, fir'd with a Spirit of Generosity, began to squabble with him, saying, he was a Rascal, that this was not a Time to debate on such Matters, and that he had exerted himself as much as any Body, and yet had not made any Demand. This Quarrel, which 'rose to a great Height, prov'd to the Crowd that I was a Person of Consequence, insomuch that every one began to distinguish me from my Companions. I reconciled Matters as well as I could ; and would very willingly have left my drunken Peasant, who was now of no Use to me, had I not been afraid that, intoxicated as he was, he would have quite discover'd me. I therefore was obliged to pack him up in the Calash, and support, or rather carry him on my Back, to keep him from breaking his Neck. My chief Guide rode before, to conduct

the Calash ; and I left the third, whom I believed had most Sense, with Orders to go and acquaint the Embassador of my having happily cross'd the *Vistula*. At last we set out about Noon, without daring to ask the Way, to prevent, in Case of a Pursuit, any one from giving the least Intelligence about me. I myself steer'd our Course by the Map, being well acquainted with the Situation of that Country ; and as we were to pass the *Nogat*, I always went towards the Point where it separates from the *Vistula*, leaving *Marienburg* to the Left, it being garrison'd by the Enemy. I went by upwards of twenty Villages, possess'd by either *Saxons* or *Muscovites*, without any one's taking the least Notice of me.

After travelling very hard during four Hours, our Horses were quite tir'd ; the Weather also was very sultry, so that it was necessary for us to refresh them ; but with what Safety could we stop, as the whole Country was full of Enemies ? Providence, however, furnish'd us with an Opportunity, we spying, at a hundred Paces from the Road, a lone House without one Soul in it. We afterwards set out again, and arriv'd at eight in the Evening at a publick House, on the Shore of the *Vistula*. We found an old Boat which lay upon the Land, when my Peasants fancy'd that we were got to the *Nogat*, and so were resolv'd to cross it in this crazy Vessel ; but I happening very fortunately to enquire of a Passenger whether this were the *Nogat*, he answer'd, it was not, but that I was not above a League and a half from it, and that this was the *Vistula*.

Had it not been for this Information, we should have cross'd the *Vistula*, and so had been undone ; we therefore told the Landlord, that we were Butchers belonging to *Marienburgh*, and intended to cross the *Nogat* to buy Cattle ; he told us that this would be impossible, all the Boats, to the very smallest, having been taken away and carry'd to *Marienburgh*, upon Account of the *Polish* Troops that were roaming in Parties up and down the Country, on the other Side the *Nogat*. Hearing this, I could not see a Possibility of my escaping, and we were forced to spend the Night in the Barn, our Horses being quite tired. Just as Day began to break, my Peasants came to this Resolution, that we must go over the Bridge to *Marienburgh*, and that they could not think of any other Method. I observed to them, but to no Purpose, that there was a Garrison in this City, and that we should certainly be seized by it : They were deaf to

my Arguments, and even threaten'd to leave me in Case I did not comply. However I at last prevail'd so far, that we should proceed to the Shore of the *Nogat*, and that in Case we had not an Opportunity of crossing it, we then should go by *Marienburg*; accordingly we went all along the Bank, thro' Woods and execrable Way, 'till we arriv'd at a little Village.

I said to them, that it would be proper for us to stop, but my two Peasants, who were always for domineering refus'd, declaring that it was to no Purpose, and even dangerous for us to make any Enquiry, since we were sure we could not pass the River any where but at *Marienburg*: Nevertheless, I at last was so far Master, that one of my Peasants went into the House to make some Enquiry, but, very luckily for me, the Inhabitants could not speak any Tongue but the *Polish*, as he came and inform'd me, adding, that he could not make them understand him.

Upon this I alighted from the Calash, with Design to speak to them; but this my Peasants oppos'd, they being afraid that my Speech would betray me. After disputing some Time, they came from the Calash, and told me plainly that they would leave me, being determin'd to save their Necks: I willingly consented, being no longer able to bear with their Insolence and Stupidity. I then went into the House, and told the Landlady very courteously, that I wanted to cross the *Nogat*, in Order to go and buy Cattle; but she told me that there was not one Boat upon the River, and that she herself had a few Cattle to dispose of: I answered, that I would also purchase some of her at my Return, but that I should think myself oblig'd to her if she could find Means for me to cross the River: The good Woman replied, I see you are an honest Man, so I will let my Son conduct you; a Quarter of a League from hence is a Friend of ours, a Fisherman, who lives on the other Side the Water, and keeps a little Vedelin in his House, upon my Son's making a Signal to him, he will come to this Side and take you into his Boat. I thank'd the good Woman, and slept into the Calash with her Son. My rascally Peasants, who were still there, observing me not to be so much dejected as before, and that I had a Guide, suspected that I had now got what I wanted, so came up to me with a Design of getting into the Calash; and this not being a proper Season for Reproaches, I did not say a Word to them: I therefore set
out,

out, and after riding a Quarter of a League came to the Banks of the *Nogat*, where, indeed, the Landlady's Son, at his first Signal, made his Friend the Fisherman come out of his Hut, and drag his little Vedelin after him into the River. The Moment he was come over to us, I leapt into the Vedelin with one of my Peasants, and left the other with our Equipage, it not being possible for us to convey it cross the River, and order'd him to wait there 'till his Comrade, whom I intended to send back the same Day, was returned to him.

In this Manner, Praise be to Almighty God, I cross'd the *Nogat*, and very luckily for me, found in the little Village called *Biabagora*, situated on the River's Side a small Waggon and two Horses, which brought me happily to *Marienwerder* on Saturday the 3d of July, after having sent away my Peasant with a short Letter to the Embassador. Finding myself alone in the publick House, I took a little Rest, after sustaining incredible Bodily Fatigues, without being able to give any Ease to my Mind, which was in great Agitation, upon account of my Uncertainty what Course to take.

I can justly affirm, that the Satisfaction which my Escape gives me, is not capable of soothing my Affliction, as I no longer enjoy the sincere Friends whom I lost, and that after the most cruel Manner, in *Dantzick*. I don't Pity them as Prisoner's of War, for that is the Fate of Men of Honour; but what Compassion do they not merit, should they be reduced to the Condition of Slaves, at the Expence of their Conscience and Liberty?

The next Day after my Arrival at *Marienwerder*, I was so fortunate as to meet again with my faithful Companion General *Steenflieth*, which is a great Consolation to me.

I am, &c

As soon as King *Stanislaus* was gone, and Count *Munich* had sent to the Magistrates of *Dantzick* to deliver up the Marquess de *Monti* to him, the Marquess wrote the following Letter to the *Russian* General.

S I R,

THE Magistrates of *Dantzick* have just now communicated to me the Letter your Excellency wrote them, wherein you demand me to be deliver'd up to you. I am sorry to see, upon your Account, Sir, that
what

what I heard by several Hands, that your Excellency demanded me in Order to put me into Captivity, was but too true: I thought, I confess, that such Discourses must come from your Enemies, and not from any that had a Value for your Reputation, especially because mutual Compliments had passed between us, as is usually practised between the Ministers and Generals of the greatest Princes; but I perceive they are too true, by the Letter your Excellency has written to the Magistrates. I could never have imagined, that a Person like your Excellency, Minister and General of so vast a Monarchy and so great a Princess, could be ignorant of what is due to the sublime Character with which I have the Honour to be vested; a Character respected in the most early Times, and in the modern, by the most barbarous Nations. I shall not give your Excellency a Detail of the Rights of an Ambassador, because I suppose you know them; no Body in the World, from the highest to the lowest, is ignorant of them. I should be under great Concern, if the Magistrates and Orders of the Town of *Dantzick*, who are so well acquainted with the Prerogatives annexed to my Character, should suffer so much as a Prime to be fired on my Account: They have undergone the Miseries of a Blockade and Siege for almost five Months; and I would not by any Means, the Regard they would undoubtedly shew me, should enhance them. Tho' I am very sure their Probity would never suffer them to give me up, when the Town of *Dantzick* shall agree to the Articles of Capitulation, it will not be necessary to insert that which concerns me. I will repair, with all my Domesticks and Equipage to your Excellency's Camp, prepared to undergo all the Hardships you can put upon me. Nothing can be more glorious for me than to be mal-treated there, 'till the Complaints of all Sovereigns, who are interested in the Preservation of the Rights of their Ministers, and those of the Publick, reach the Ears of your august Mistress; and I am persuaded that the perfect Knowledge she has of the Prerogatives of a Minister of my Character will change my Situation, though not your Orders, because it is impossible you should have any such. I own to your Excellency, that the Event which has happened within these three Days ought to mortify you; but I cannot help it. There is only myself and some of my Domesticks that you have any Thing to do with it; and all the Rigours you can exercise

cise upon that Account, *Sir*, against the *Polanders* or the Town of *Danzick*, would be unjust. I desire your Excellency to give me a speedy Answer, that I get myself ready to come to you, when you have settled the Capitulation.

P.S. I think it cannot be amiss to subjoin some Reflections upon the Case in Question, which may not perhaps have yet occurred to your Excellency.

Reflection 1. There is no War declar'd between *France* and *Russia*. 2. But if a War had been actually declared, the Custom is to give Passports to the Ministers at the respective Courts that engage in War, to go out of their Dominions. Much more ought I to have them, because I am in a Town of the Republick of *Poland*, which acknowledged me in a Time of Tranquillity, as did also the late King; and all the Ministers of the Princes that are at War with *France* acknowledged me in that Quality after the Death of King *Augustus*: I treated with them, and never resigned my Character to the King my Master nor had any new Letters of Credence. 3. My Arrest would be contrary to the Law of Nations, which is respected every where, and can be violated by none, because all Sovereigns are concerned, whose Embassadors, and every Thing belonging to them, are look'd upon as Sacred. 4. I have not exceeded the Ministry of an Embassador, not having born Arms against the Troops of *Russia* and her Allies, but confined myself entirely to the Instructions I had. 5. It is necessary to tell you, that when I quitted *Warsaw*, the 22d of *September*, I left my Palace with the Arms of the King my Master over the Gate, and all my Goods and Equipage. The Emperor's Embassador, the Master of the Horse Count *Leuvenwolde*, and the Count his Brother, Ministers Plenipotentiaries of *Russia*, foreseeing my Retreat from *Warsaw*, desired Mr. *Woodward*, Envoy of *England*, and M. *Kinner*, Resident of the Emperor, to come to my House and tell me from them, that I need have no Uneasiness about my Domesticks or my House, my Goods or Equipage; that all should be carefully secured, not only upon Account of my Character, but also the cordial Manner in which we had lived together; which they have performed with a Politeness beyond all Expression: And tho' I have not heard any Thing of them these several Months, I do not in the least Doubt but they are all safe. Mr. *Woodward*, Envoy of *England*, and M. *Rumpf*, Minister of *Holland*,

Holland, told me, that if any Thing happened to my House or Domesticks during my Absence, they would stand up vigorously in Support of the Law of Nations; and M. Kinner, the Emperor's Resident, added, that my Domesticks had nothing to do but to come to him, because on such Occasions all the Ministers ought to stand by each other. If so just a Regard was paid to my Domesticks and Equipage, what ought I not to expect for my Person? Tho' the Marshal de Munich affects to treat me in his Letters only as *Marquess de Monti*, without taking any Notice of my Quality as Ambassador.

Marquess de Monti.

But having received no Answer to this Letter, he wrote a second as follows, viz.

S I R,

I AM more surpris'd than ever, that your Excellency did not answer my Letter; but that is out of the Question; the Magistrates communicated to me this Day at Noon the Paragraph of the Letter you wrote to them, in which I am concerned. I stand, Sir, by what I wrote you in my former Letter, that I will not suffer the Prime of a Gun to be fired against the Town upon my Account. I got that Paragraph translated from the *German* into *French*; I do not know whether it is rightly translated; but it says, *That the Marquess de Monti, formerly Ambassador of France, being still in the Town, is to be delivered up, between this Time and To-morrow in the Evening, to the Russian Army, with all the Persons that are about him, all his Domesticks, and his Letters, upon Pain of the Displeasure of her Majesty the Empress of all the Russias; but in Case the said Magistrates of Dantzick will not consent voluntarily to deliver up the said Marquess de Monti, he shall be made to come out with a Detachment of the Russian Army.* I protest, before all the Princes of Europe, against the Violence done to my Character: At the same Time, not to distress the Town yet more, against which you threaten to go on with your Hostilities, to bombard it, and not to hearken to any Proposition, unless they deliver me up, I am preparing to set out To-morrow in the Evening, with all the Domesticks and Equipage I can. Your Excellency will let me know the Gate I am to go out at, and the Road I am to take, and will send me a Passport: I

C

only

only put you in Mind, that it is not possible for me to go away with all my Equipage at once. If you please, Sir, to grant them a Day or two more, you will do me a Pleasure; if not, it shall be just as you please. I have the Honour to be, &c.

Marquess de Monti.

Accordingly the said Marquess *de Monti* marched out the Beginning of *July*, 1734, and surrendered himself to the *Russian* General; as did also the Primate and other *Polish* Lords that were in *Dantzick*: The Marquess was immediately confined, and had a Guard of 100 Men set over him; and the Primate was on the 5th conducted, under a strong Guard, to *Dirschau*, where he was kept close Prisoner; but the other Lords remained at *Dantzick*, and were put under Arrest only.

In the aforesaid Number 75 of our *Register*, Page 261, we gave the Capitulation made by the *French* Troops in the Fort *Wechselmunde* at *Dantzick*: These Troops were, according to the Capitulation, immediately put on Board the *Russian* Squadron, but instead of being carried to any neutral Port in the *Baltick*, they were carried directly to *Cronstadt*, and there detained Prisoners; upon which Occasion the Court of *Russia* sent the following Declaration, or Manifesto, to their Commander, the Count *de la Motte*, by whom it was sent to the Court of *France*, viz.

THE *French* Troops sent by *France* to the Relief of the Town of *Dantzick*, having been reduced by the Arms of her Imperial Majesty of all the *Russias*, to the Necessity of surrendering by Agreement, by Virtue whereof they were to be transported to one of the Ports of the *Baltick*, where they might easily be shipped on Board *French* Vessels or Merchant Ships; her Imperial Majesty declares, that it neither was, nor is yet her Intention any Ways to break in upon the Capitulation granted to the said Troops: But the *French* Squadron sent into the *Baltick*, having,

1. Attacked, without any previous Declaration of War between *Russia* and *France*, and taken upon the high Seas a Pacquet-boat and two Galliot, and afterwards a *Russian* Frigate; taken Prisoners and carried away with them all the Men belonging to the said Ships, and seiz'd the Effects and Merchandizes they found

they found in them, and even sent the Frigate to *France*.

2. Tho' that Frigate and the Ships above-mentioned, had not on their Part committed any Hostilities against the *French* Ships, the *Russian* Frigate having no Orders to commit any, and the other Ships not being any Ways armed, but serving only to maintain a Correspondence between *Cronstadt* and *Lubeck*, and to carry Passengers and their Goods from one Place to the other, as has been practised these many Years.

3. Which Hostilities, committed on the Part of *France*, were the more surprising, because none had been committed against *France* on the Part of *Russia*; but quite the contrary; the Commerce of the *French* Merchants and Subjects having had its free Course, without any Hindrance or Interruption to this Day, in the Ports of *Russia*. And,

4. Such Step and Proceedings against *Russia*, on the Part of *France*, being entirely contrary to the Law of Nations, and to the Customs received and practised between Nations even the least civiliz'd, which do not commit Acts of Hostility 'till they have previously declared War.

For these Reasons her Imperial Majesty has a Right, and indeed it is her Duty to detain the *French* Troops above-mentioned, by Way of Reprisal, 'till the Frigate named the *Mittau* is restored, with all her Men, that is to say, the Captain, Lieutenants, and other higher and lower Officers, Soldiers and Seamen, &c. from the first to the last, without excluding any one whomsoever, under any Pretence whatever, with all the Cannon, Ammunition, and Effects; in a Word, in the same Condition she was in at the Time she was taken by the *French* Ships; together with all the Men and Rigging, and all the Effects taken out of the other three Ships above-mentioned; and 'till all this, without any Exception or Detention, be sent back, really restored, and delivered in one of the Ports of *Russia*.

And tho' her Imperial Majesty is obliged, for the Reasons aforesaid, to detain those *French* Troops, 'till her just Pretensions are entirely satisfy'd on the Part of *France*, she nevertheless declares, that they shall be treated, in the mean while, in a Manner suitable to every Man's Condition; and that all the Care that is necessary, shall be taken for their Support and Subsistence, according to a more particular Agreement to be made with the Officer who commands them, to whom

her Imperial Majesty also gives Permission to send one of his own Officers, furnish'd with good Passports, to *France*, to carry this Declaration thither, and to procure so much the sooner a speedy Resolution, and the Satisfaction above demanded, that the *French Troops* may forthwith be sent back to *France*: And because, in that Case, this Restitution may be made on the Part of *Russia* without Delay, those Troops shall be left in a Place near the *Baltick Sea*, where they may readily embark on their Return to *France*, wherein they shall be forwarded as much as possible.

Done at Petersburg, this 16th of July, 1734.

The List of these Troops was as follows, viz.

Of the Regiment of Blaisois.

M. de la Motte, Brigadier and Colonel.

M. de Frairy, Lieutenant Colonel.

The Chevalier *de Bellegarde*, Major.

15 Captains.

17 Lieutenants.

17 Second Lieutenants.

5 Reformed Officers.

34 Serjeants. And

566 Soldiers.

Of the Regiment of Perigord.

The Chevalier *de la Luzerne*, Colonel.

M. de Riets, Lieutenant Colonel.

M. l'Abesle, Major.

15 Captains.

15 Lieutenants.

16 Second Lieutenants.

34 Serjeants. And

568 Soldiers.

Of the Regiment of La Marche.

The Marquess *de Bellefond*, Colonel.

M. de Vaillant, Lieutenant Colonel.

M. d'Astou, Major.

14 Captains.

16 Lieutenants.

17 Second Lieutenants.

34 Serjeants.

34 Serjeants. And
550 Soldiers.

There were besides these,

2 Chaplains.
2 Surgeon Majors.
1 Guard.
15 Gunners.
9 Seamen.
140 Valets. And
47 Women and Children.

We shall now give our Readers the Copy of the Oath tender'd to and taken by the conforming Lords in *Dantzick*, as mention'd in the same Number, which was as follows.

I N. N. do swear in the Name of God, One in the Blessed Trinity, without designing to make any Interpretation contrary to this Oath, That having recognized the Most Serene Prince and King *Augustus III.* for King of *Poland*, unanimously elected by free Voices, and already happily crowned, I will pay and render unto him an inviolable Fidelity, and an Obedience according to the Laws. I renounce and abjure the Proclamation of the Person of *Stanislaus*, perpetrated against so many Constitutions, as the very Man whom the Republick, by her ancient Laws, by the Dyet of *Lublin*, and by the Confederacy of *Sandomir*, had excluded from it, and who, by the Grand Council of *Warsaw*, and by the two succeeding Dyets of the Years 1717 and 1718, is condemn'd and declared once for all an Enemy to his Country. I condemn, annul and make void all the Acts which have been made in his Favour: And acceding voluntarily to the General Confederacy of the States of the Republick, begun by his Majesty's Authority, and resumed at *Cracow*; I at the same Time readily accept all the Ties and Obligations thereof, and will perform, advance, and maintain, in Conjunction with the Republick, every Thing that regards the *Catholick* Religion, his Majesty the King, the Laws and Liberties. And if I have had the Misfortune to be seduced by those who have contributed to stir up Animosities in the Republick, it shall be to oppose the same, that I shall sincerely and effectually apply myself, by all the Means I am capable of, and shall

shall endeavour, to the utmost of my Power, to procure the Republick the speediest Tranquility. I will never contrive any Thing directly or indirectly, against the Sacred Person of his Majesty King *Augustus III.* nor upon any Terms keep in the deepest Recesses of my Soul, what might be contrary to him; but remain constant to this same Master, and, as long as Life and Fortune remain, him will maintain and defend. Neither will I ever enter into any hurtful Conspiracies, Combinations, or Correspondencies; but, on the contrary, I will rise up, as against an Enemy to his Country, against any Person whatever that shall attempt any Thing to his Hurt. Lastly, I will constantly remain under this Obligation, as well in Prosperity as in Adversity, fearing nothing by the Grace of God, nor following any particular Views and Advantages. Herein I will remain constant, not only 'till the Republick is entirely pacify'd both at Home and Abroad, but also ever hereafter.

So help me God, and his Cross and Passion.

But the Primate and some other Lords refusing to take this Oath, were sent Prisoners to *Elbing*; and on the 27th of *July*, the Gate of *Oliva* was restored to the *Dantzickers*, as were soon after, all the other Gates and Forts of the Town, except Fort *Wechselmunde*, which it was judged necessary to keep Possession of, 'till the Tranquility of *Poland* should be entirely restor'd. On the 30th, a *Senatus Consultum* was held in his Majesty's Presence at *Oliva*, before he set out for *Dresden*, when the following Declaration was agreed to, and ordered to be publish'd, viz.

ALTHOUGH the Term of the Amnesty granted to the adverse Party at *Warsaw* and *Cracow*, by the General Confederacy of the States, be now expired, and yet they cease not to act still obstinately against their Duty and the Good of their Country, by holding unlawful Assemblies, forcing the Nobility to part with them, loading the innocent People with all Manner of Impositions, burning the Houses of some of the Nobility, forcing others from their Houses, and dragging them in a most inhuman Manner before what they call the *Court of Captures*, and at other Times, by plundering of Towns and Villages; notwithstanding all these enormities, we are willing to use gentle Methods before we proceed to Extremities with the Ill-intentioned, in order to prevent the Evils into which they are going to precipitate themselves;

selves; not doubting but that, in Regard to their own private Interest, they will lay hold of the Advantage offered them by our Clemency, and submit to their Duty. For this Reason we grant them six Weeks more, and exhort all those that love God and their Country, to throw off the Spirit of Faction, and join with us, that we may jointly endeavour to restore the Tranquility of the Kingdom. If, contrary to Expectation, some be found so obstinate as to spurn at our Favour, and persist in their Designs after the said Term is elapsed, we hereby authorize our well-beloved Subjects to proceed against them and their Accomplices, according to the utmost Rigour of the ancient Laws of the Realm, under the Penalties stipulated by the present general Confederacy. For this Purpose we declare by these Presents, that in such Case we shall re-establish, by private circular Letters, the Courts of Confederacy, conformable to the Constitution of the Year 1717, and the General Confederacy reassumed at *Cracow*; not that our Design is thereby to incroach on the Right of other Courts, to which every Man may apply himself, and thereby make good his Pretensions.

Whereas the Bishop of *Plocko*, *Zaluski*, the Sieurs *Poniatowski*, *Prebendowski*, *Czapski*, and *Morzтын*, Palatines of *Mazovia*, *Mariembourg*, *Pomerella*, and *Livonia*; *Ossolinski*, Grand Treasurer of the Crown; *Bielinski*, Marshal of the Court; *Rozradziewski*, *Wloszozinski*, and *Wessel*, Castellans of *Rogozin*, *Krynein*, and *Warsaw*; *Rostkowski*, and *Saphieha*, Starosts of *Wilski*, and *Wilkowski*; Prince *Czartoriski*, and several others, have, during the present Deliberations, taken the Oath according to the Formulary presented to them, and have acceded to the present States of the Confederacy, we hereby receive and own them for true Patriots, and permit them to assist in all our Councils. And forasmuch as every Kingdom, where Justice does not take Place, is no better than a Nest of Robbers and Vagabonds, we enact by these Presents, by Virtue of the Resolution taken in our last Council, that upon publishing our happy Constitution in the several Palatinates and Towns of the Kingdom, the respective Courts belonging to them be immediately opened and continued, in Order to put a Stop to Rapine and Injustice, and that every one may be at Liberty to sue for his Right and Property, according to the Laws and Constitution of the Realm.

And

And whereas the Crown Army was long without a Head, which was the Reason why we could not yet provide for the Soldiers Pay, according to the Constitution of 1717, nor proceed regularly to compass an entire Pacification of the Republick, we have thought proper to confer the Command thereof upon the *Sieur Rzewski*, whose Zeal for his Country and Fidelity is well known to us; we order him hereby, to use his utmost Endeavours to engage the Army to pay the Obedience they owe unto us and the Republick, and to do all he can to disperse and extirpate the Parties that still fly about in divers Places, in strict Conformity to the Constitutions, those in Particular of 1655, 1669, and 1717. We ordain further, that as soon as the Army shall return to Obedience half a Year's Pay be given them without Delay, out of the Treasure granted by the *Pacta Conventa*.

Whereas the confederated States of the Crown of *Poland*, have broken and annulled all the Acts, Conventions, Manifestoes and Proteſts made under our Reign, in Favour of the opposite Party, we approve of all the said States have done in that Respect; and hereby declare, that we abrogate and annul, in like Manner all Writings made at *Dantzick*, against our Person and the confederated Republick, and which have been inserted in the Acts of Judicature belonging to the Magistrates of that City, and we require them by these Presents to be taken out from amongst their Records.

In Order to satisfy the Instances of the confederated States, we will, that our Troops in *Fort Wechsefmunde*, remain there 'till an entire Pacification be effected of the present Troubles, to secure the said Fort against all Surprizes. And whereas the Grand Treasurer of the Crown is reconciled to the confederated Republick, and has resumed the Functions of his Post, we order him to be paid what shall be assigned him from the Revenues of the Republick. And since we approve of the Disposition made by the States of the Republick, touching the Treasure of the Grand Dutchy of *Lithuania*, we ordain in like Manner that Appointment made by the Marshal of the Confederacy, to be paid to the Palatine of *Trocko*, as far as the present Juncture of Affairs will permit. We promise to assist at the further Deliberations of the confederated Republick, and order this Result of their last Council be forthwith published,
Ec. Im-

Immediately after the breaking up of this *Senatus-consultum*, his Majesty, King *Augustus*, set out on his Return to *Dresden*; but before his Departure he left a Commission with the Bishop of *Cracow*, to receive in his Name the Homage of the Town of *Dantzick*, which his Lordship accordingly did with great Pomp and Solemnity on the 2d of *August*.

The *Polish* Lords, who submitted, as above, to King *Augustus*, in Order to confirm their Submission, and also to reconcile themselves to the *Czarina*, soon after drew up and signed the following Declaration, viz.

AS the Sentiments of Friendship and Good-will of her Imperial Majesty of all the *Russias*, towards our Republick of *Poland*, have appeared upon all Occasions, we have received a new and most convincing Proof thereof, in what her said Imperial Majesty has been pleased to do in this last Conjuncture, to maintain the Repose and Tranquility of our dear Country: It is but too true, that suffering ourselves to be led away by the Evil-minded, we followed the Party of *Stanislaus Leszozinski*, notwithstanding so many Declarations made by the Republick against his Person, in the Dyets of the Years 1717 and 1718; as also in the Confederacy of *Sandomir*, and in a General Assembly at *Warsaw*, which with one common Consent declared him an Enemy to his Country.

Recovered from those Prejudices, we have now entirely abandoned them, and gladly join our well-meaning Brethren: We acknowledge his Majesty King *Augustus* III. to be our most gracious King and Master, and with a voluntary Submission we pay him an inviolable Fidelity and Devotion.

After this Testimony of our sincere Repentance, the natural Clemency of her Imperial Majesty of all the *Russias*, make us hope for an entire Oblivion of what is past; and as we are now but too well convinced that her disinterested and salutary Intentions never had any other View, than the real Good and Tranquility of our Country, the Duty of a true Patriot naturally engaging us to concur in every Thing to promote such a Design, and to make it the principal and only Object of our Cares, we cannot help thinking the Friendship and Alliance which subsists between her Imperial Majesty of all the *Russias*, and our most gracious King and the Republick of *Poland*, very beneficial to our Coun-

D

try;

try ; and we do declare and promise, by Virtue of this present Writing, that on our Part we will endeavour faithfully to maintain, and to establish more and more that good Harmony and perfect Intelligence ; and that far from ever causing the least Alteration in it, we will rather look upon all those who shall any Ways directly or indirectly attempt it, as Disturbers of the publick Peace at home and abroad.

This Acknowledgment and Declaration of our Intentions being equally sincere and faithful, we promise inviolably to persist therein ; and wishing nothing more ardently than to see the inward Peace of our dear Country speedily restored, we engage at the same Time to apply ourselves with all imaginable Diligence, to the speedy restoring of that Peace throughout the Extent of the Republick, and to use all the Means for that Purpose, which can contribute to put an End forthwith to the Troubles and Hostilities which the contrary Party endeavour to keep up, to the entire Desolation of their native Country ; and we will not fail, to the utmost of our Power, to bring back those Opponents to the same Sentiments of Peace and Duty, which we here declare, and which we will never cease faithfully, and like Men of Honour and Conscience, to perform.

Done at Dantzick, this 16th of August, 1734.

And as a further Mark of their sincere Repentance, they drew up and sign'd, about the same Time, the following Letter to the Pope, viz.

After having most humbly kissed your Holiness's blessed Feet, we take the Liberty to recommend ourselves and our poor desolate Country to you. The Prerogative which the Republick of *Poland* enjoys of electing her Kings, is much more fatal than honourable for her, because it is very rare to see a whole People unite in the same Sentiment and the same Voice. Neither is it the first Time that this Republick, abusing her Liberties and Privileges, has been torn to Pieces by divers Factions, and pushed to the very Brink of Destruction : But when Affairs have appeared to be the most desperate, *Poland* has always experienced the Relief of Divine Providence, by which Kings Reign, and which keeps the Disposall of the Rights of Kingdoms. For that Providence, as often as human Assistance has fail'd, has infallibly and evidently pointed out the Per-

son designed to be chosen King for the Good of the People. It is for this Purpose, that we, who unfortunately till now were of a quite different Sentiment, after having maturely consider'd all Circumstances, have solemnly recogniz'd the King pointed out to us by Heaven, whom his divine Will has established upon the Throne, and Victory has crown'd with Laurels; we mean our Prince Royal, Elector of *Saxony*, the most Serene and most Mighty *Augustus III.* whom we have recognized for our true and lawful King, and to whom we have taken an Oath of Allegiance and Fidelity as required. Casting ourselves therefore at your Holiness's Feet, we earnestly beg you will be pleased to bless this sincere Resolution which we have taken: And as we have already solemnly recognized the most Serene and most Mighty *Augustus III.* our most gracious Lord, for true and lawful King of *Poland*, and Great Duke of *Lithuania*, we beseech your Holiness to be pleased to recognize him also in that Quality, and to grant him your precious Favour. Our whole Republick will be the more obliged to your Holiness for it, because it is, perhaps, the only Means of restoring Peace and Tranquility to our Country, yet cruelly harrassed with Troubles and Divisions.

For the rest, we most humbly pray your Holiness to be pleased to grant your Most Holy Apostolical Benediction to our Most Serene Prince, Lord and King *Augustus III.* and to us and our unfortunate Country. On our Side, we supplicate Almighty God, that he will vouchsafe long to preserve your Holiness in Health, for the Happiness of the Christian World, over whom you are supreme Guide and Governor. We are, &c.

During the long Continuance of the Siege of *Dantzick*, there was but one Attempt made by the *Polanders* of King *Stanislaus's* Party, to relieve that rich and populous City; and this Attempt, which was made by the Castellan of *Czerski*, was made in so faint a Manner, that they were defeated by the Dragoons and Cossacks belonging to the *Russian* Army before *Dantzick*, as appears by the following Extract of a Letter, wrote by the *Russian* General, Count *de Munich*, to his Mistress the Czarina, dated the 7th of *April*, 1734, from his Camp at *Ohre*, near *Dantzick*, viz.

I HAVE the Honour to inform your Majesty, that, not to wait for the Castellán of *Czerski's* coming hither with his Troops, I sent a few Days ago the Dragons and Cossacks encamped near *Stargard* to meet him; and I have this Moment receiv'd Advice from Lieutenant-General *Sagreski*, that having surprized the Castellán at *Schwetz* the 4th Instant, he pursu'd my Orders, and totally defeated him, taking his Magazines, Kettledrums, Standards and Colours; and that Major-General *Biron* was pursuing the Enemy on their Flight; that I have now nothing to fear from that Enemy; and the Town of *Dantzick*, which I keep shut in, can no more receive Relief, than dislodge me from hence.

After King *Stanislaus's* Escape from *Dantzick*, he went, by Permission of the King of *Prussia*, and took up his Residence at *Konigsberg*; and as it became necessary to publish something to the World, upon that remarkable Alteration in his Affairs, the following Manifesto made its Appearance soon after.

STANISLAUS I. by the Grace of God, King of *Poland*, and Great Duke of *Lithuania, Russia, Prussia, Mazovia, Samogitia, Kiow, Volhinia, Podolia, Podlachia, Livonia, Smolensko, Sieviesk, and Charnikow, &c. &c.*

We are assured, that the Tragedy now acting in *Poland* is so conspicuously represented to all *Europe*, as to attract the Eyes of the most indifferent; that Representation is too lively, not to inform the most ignorant of the Plot of the Play; and it is of too great Weight and Importance to stand in need of Judges.

Tho' Justice needs no Defence, Truth no Apology, and Reason no Proof; yet we should think ourself culpable in the Sight of God, should we not lay our own Affair before the Eyes of all the Christian World; the same with Regard to our Country, should we by our Silence appear unconcerned at her Miseries; and with Regard to the Publick, should we not give them a perfect Knowledge of what employs their Thoughts at this Day, to the End they may be able to form a Judgment thereof without Prejudice.

Wherefore, our Duty requires of us, that in the Time when, by our Situation we may judge ourself safe, we lift up our Voice, not to stop the impetuous Torrent of the Waters of Injustice, not to demand Assistance, or call
out

out for Help against the most unheard-of Persecutions, (for we expect that Assistance from Heaven alone) but to persuade every Man that has not entirely bid adieu to the Sentiments of a good Conscience, Honour and Honesty, to take Part in the unhappy Fate of *Poland*.

It is well known, that we did not, upon the Death of King *Augustus*, revive our ancient Right to the Crown of *Poland* as being subject, during the Time of our Banishment, to the Power of the Liberty of our Nation; and though we were not in a Condition to defend that Liberty, we had nevertheless the same Respect for it. We waited an Opportunity, when the Republick, being restored to all her Rights and Privileges, should meet, in Order to appear in Person, and pronounce Sentence concerning our Lot.

Scarce had we set Foot upon *Polish* Ground, but we saw ourself placed again upon the Throne. The Air in which we were born, and which we again began to breathe, resounded with Proclamations: We saw, in the whole illustrious united Nation but one Heart that longed for us, and heard but one Voice to declare us their King.

But as this is no Journal of what passed at our Election, we shall not repeat here what has been already said concerning it. Those who are desirous to be informed of the Truth of all the Circumstances, may hear 100,000 Witnesses, who will give them a full Assurance of the Lawfulness of that solemn Transaction, not only from the Authority of those that appointed it, but also for the Time when it was done, the Place wherein it was held, the Freedom of Opinions, and the Unanimity of Voices attending the same. If, therefore, there is any Footstep of the Form of our free Government still in Being, how durst the boldest Impostor assert the contrary, and falsely give out in the Face of Heaven and Earth, that every Thing required to make the Election of King of *Poland* lawful, was neglected in the said solemn Transaction?

For what concerns us, let the most barbarous Violence dispute the Crown with us! The only glorious Method, the Affections of the Nation, by which we received it, is more esteemed by us than all the other Means of obtaining it in the whole World; because we can boast, that we cannot be deprived of that Crown, unless the Heart of the Nation, the only Support of our Throne, the Extent of our Empire, and the Safety of our Government

ment be torn from its Body: And besides, as the Powers will never so far hurt themselves, as to oppose Right and oppress Truth, our Rights will always appear above the Power of Force and Violence; for they are too well fenced and secured by the Laws of the Kingdom, for the Reasons of Cannon-shot ever to make a Breach in them.

We need not take any Notice of the Objection raised by some Patriots, who have cut themselves off from the Body of the Republick, to wit, That by Virtue of the Constitution of the Year 1717, we have no Right to ascend the Throne. But however, in Order to prevent all Men of sound Judgment from mistaking a Point of so notorious a Calumny, we only desire them to peruse that Constitution, wherein Men labour so hard to include us among the Adherents of *Sweden*, against whom they proceed with the utmost Rigour of the Laws. We do not acknowledge ourself under that Title, but have, independently of *Sweden*, as a good Citizen, and then in Quality of Counsellor, whose Oath obliges him to act against the Violator of the Laws, taken Arms against King *Augustus*.

Since that, it has been *Sweden* that adhered to the confederated Republick, maintained her Laws and her Liberties, and made an Alliance with that Kingdom, by Virtue of which Alliance we were an Ally of *Sweden*, but at the same Time an Adherent to the Interest of our Country.

The Peace which King *Augustus* concluded with us, shews expressly enough what a Difference there is between the one and the other; and if by a Treaty with *Sweden* one becomes her Adherent, the late King *Augustus* was such then by the Treaty of *Alt-Ranstadt*; besides that, it is a Question, which never was solved but by the Sword, namely, Which of the two, according to our Laws, deserved to be declared an Enemy to the Country? He that was then a Friend to *Sweden* or King *Augustus*? And whether the State Crime consisted in being a good *Swede*, by opposing a War begun without the Knowledge of the Republick, or whether it was a Crime of State to be a good *Saxon*, and suffer the Maxims of the Kingdom to be trampled under Foot.

But supposing that this Sentence was pronounced against us, was there any Trial previous to it? Nay, but such a Sentence could never be pronounced by a King, who had abdicated the Crown, whose Abdication

tion was authorized by a Proclamation of *Interregnum* (or Vacancy of the Throne) which was done by the Primate, who was then of his Party; by a King who was never qualified by any Act to remount the Throne, but was only tolerated by the Good-nature of the Republick; and lastly, by a King, who had himself acknowledged me for lawful King of *Poland*.

And besides, could the Members of the Republick, who for the most Part were involved in our pretended Crime, make a Tribunal of competent Judges? But this is not a proper Place for giving an Account of our former Conduct: not but we could easily place it in all its fullest Lights, and thereby make appear what a Zeal, what a Sacrifice, what a Duty we have paid our dear Country; if she were not already well convinced, or had not given publick Proof thereof, by the Justice which she did us, as soon as she found herself entirely at Liberty; acknowledging what we had suffered for her, whilst she was obliged to bear her Yoke with Patience.

All that seems necessary to be done then, is to examine these two principal Points, 1. Whether those who have cut themselves off from the Body of the Republick, are entitled to make any Objection; since they did not once in the Field of Election pretend to any Claim or Right to Opposition, and were besides proscribed, not only by a general Sentence of a free and independent Republick, but also by themselves, having pronounced their own Sentence by a Manifesto, signed by them, wherein they deprived themselves of all Activity (or Power) to oppose our Election, much less to proceed to another in the Manner they did.

The 2d Point relates to the Difference between our Proscription (supposing it to have been real) and that of the Elector of *Saxony*. The Republick, which is absolute Mistress of her Laws, receiving us into her Bosom, and placing us at her Head, by the Election she has made of our Person, renders our Crime very meritorious, and our Punishment very sweet and glorious; whereas on the contrary, they abjured the Elector of *Saxony*, excluding all Foreigners from the Throne, by a new Constitution which cannot be broke through without violating the Laws of God and Man.

Mean while, there has been seen a handful of Men, who boldly assuming the Name of the Republick, usurp her Authority by Violence, despise her Maxims, countenance

tenance the Introduction of foreign Troops, alter the Form of Government, and notwithstanding they, as Members cut off from the Body of the Republick, had forfeited all Claim to the Privileges of Election, proceed to a new Election. Do you ask when? After the States of the Kingdom had already acknowledged a lawfully elected King. Do you ask where? In the Camp, as we may say, of the Enemy. Do you ask upon whom so new an Election should fall? Upon a Prince whom the Republick (and with her the very Men that chose him) had sworn never to choose.

For the rest, we refer all those whom we appoint Judges in our Affair, to the publick Acts which are well enough known to excuse us from entering into a further Detail thereof. But the World can never approve, that in the illustrious and numerous Body of Nobility, some are found, who turning that Liberty which is prescribed by wise Laws, into an unbridled Licentiousness, abandon themselves to it in Pursuit of their own Views, preferring their private Interest before the publick Welfare, and having through the horridest Perjury broke Word and Faith with God, will never be found true to Man or their Country.

But that which is without all Precedent, is the Behaviour of the Potentates in the Neighbourhood of *Poland*. Has that Kingdom committed any Hostilities capable of bringing a War upon it? Is it dependent or tributary, that it should receive Laws of any other? Is it a conquer'd Country, to be forced to receive Laws and Injunctions of the Conqueror? In the mean Time, they dispose of its Crown at the Pleasure of their own Fancy, and turn the Form of Government of that Kingdom upside down. They annul the Power of the Liberty of Votes, they over-run the Kingdom on all Sides, and force the Provinces to approve these Violences. No Respect is shewed to the Churches; no Consideration for the Sex; no Regard for the Inhabitants; every Thing is in Confusion and Ruin. But they are not satisfied with ruining the Kingdom; the City of *Dantzick*, which is the finest Ornament of it, must also feel all the cruel and most terrible Effects the War can produce. They are treated as rebellious, because they proved faithful to a King whom they had acknowledged for their Master, at a Time when they had yet hear of no other, nor could imagine there was another. They are punished because they defended themselves, after they had

had been attack'd without any Provocation given. They are ruin'd with Bombs and Cannon-shot; Part of their Territories are burnt; great Sums are demanded of them; and the greatest Part of those Sums imposed on them, because we escaped out of that Town: Just as if we had been committed to the Custody of that City, and as if a besieged Town was answerable for those who command therein. Unheard of Proceedings; and a new Way of making War, which was never practis'd before.

Does not the Treatment done to the Primate of the Kingdom, shew how little Regard they have for the Republick, which has been abused and contemptibly treated in his Person? A Man illustrious by his Birth, venerable by his Age, to be esteem'd for his Merit, to be respected for his holy Character, and honoured for his Primatial Dignity, and who therefore is not accountable for his Behaviour or Actions, must be made a glorious Safety to Cruelty, for the just Cause of his Country whose Rights he maintains with an unparalleled Constancy, while he suffers himself to be chained and imprisoned in Defence of Liberty.

What has been done also with Regard to the *French* Embassador, is a Consequence of the Violences that are now practis'd, and entirely opposite to the Law of Nations, which are every where held sacred; and altho' his Character, in whatsoever View it may be taken, cannot free itself from the hard Usage he receives, his Person at least deserves a Treatment quite contrary to a strict Confinement, which he ought not to have undergone, though he had been made a Prisoner of War.

What shall we say to the Injustice done to the Senators, and other Persons of Note of that Nation? They are forced to acknowledge him for their King whom they have not elected, and whom they have sworn not to acknowledge. They are treated as Rebels, though they never were Subjects; as Criminals against the State, though they never committed any Crime; and like Slaves, though they never were subdued.

They may strain the Laws of War as much as they please to their own Advantage; there is no Example in History that stretches so far, as to force the Consciences of a free Nation; and yet we see it done by a most frightful extorting of an Oath, which they are forced to take, by an armed Power.

I leave the Casuists to pass their Judgments, and make a Distinction between a free Oath and such a one as is extorted from Persons, while the Ax lies on their Throats. In Case this last Sort of Oath is taken with a good Intention, is it not a palpable Perjury, by breaking their former Oath? And can such a Perjury secure a Faith pledged, which has no Regard to God himself? Because the Force of the first Oath on the contrary still subsisting, the second being taken without any Intention to keep it, must be void and of no Force: Why then should the Name of the Holy Ghost be called upon and prophaned to no Purpose?

We may hope that the Lord, who only regards the Purity and Uprightness of our Hearts, will regard in his Mercy the State of Oppression they may have been reduced to by terrible Threats or Fear; but we must also mind his unerring Justice, which may bring on the Heads of such as force others to Perjury, the Crime they have committed, who would sacrifice the very Salvation of their Souls to their Ambition.

Lastly, not content with putting the most considerable Persons of the Kingdom in Prison, and forcing their Submission by Oppressions, the same unsufferable Yoke is also laid on their Dependents, that not so much as the Shadow of Liberty may remain in the Kingdom.

This is the State of *Poland*, which shews to all Kings and Potentates on Earth, who are jealous of their lawful Rights to their Crowns, how People live there, with respect to the Overturning of the Laws of a State; and to Nations who are zealous for the Maintenance of their Laws, that there are no Laws that can be secured or preserved against Injustice; and to all the Christian World, that no Faith of Treaties, no Rule of Religion, no Motive of Conscience, can any longer protect civil Society. A Precedent unheard of in former Ages, and a sad Reflection for Posterity.

I know that Sovereigns are accountable only to God for their Actions, and it is to his tremendous Tribunal I appeal; protesting against the Violences that are committed; hoping that his Power will bring the Strong and Haughty to Shame; that his Holiness will punish the Wicked, and that his everlasting Justice will protect the Innocent.

Done the 13th of August, 1734.

As the People of all Countries are directed more by their Hopes and their Fears, than they are by Principles of Religion or Virtue, so the Reduction of *Dantzick*, and the Retreat of *Stanislaus*, made many of the *Polanders* begin to think of submitting to the prevailing Power: Accordingly, on the 23d of *August* a Dietine was conven'd at *Szroda*, by Virtue of circular Letters from King *Augustus*, which was compos'd of the Palatinates of *Posnania* and *Calish*, in *Great Poland*: At this Assembly *A. Kotarowski*, Deputy Truchses of *Posnania*, was elected their Marshal unanimously; under whose Direction the following Resolutions were agreed to (according to the Strictness of the Laws of the Realm, as they pretended)

Nemine Contradicente.

1. Conformable to God's most holy Will, by which Kings reign, we bless and thank him for the Success he has been pleas'd to grant our illustrious King *Augustus III.* our most gracious Sovereign, and by which he has reduced many Senators, Noblemen, and the City of *Dantzick* to his Obedience, and Fidelity to the rightful and lawfully elected and crowned King; and we also thank his Majesty for his unparall'd Mercy shew'd to those who approach'd him at his grand Council at *Oliwa*, in embracing them as a Father; for appointing a General Confederacy of the several Orders of this Kingdom, about the Protection of the holy *Roman Catholic* Religion; for the *Liberum Veto*; and for the Laws and Liberties of our Country, which were begun to be enforced at *Warsaw*, confirm'd at *Cracow*, and hitherto rightly supported; and to which the Palatinates of *Posnania* and *Calish* voluntarily and wholly bind themselves, in all and every Clause and Condition thereof, and join ourselves to the said Confederacy, promising to remain in the strictest Obligation of the same, 'till the Republick is restored to a perfect Tranquility. By the Oath which the Party of King *Stanislaus* have made Use of to mislead the People, to deceive the Unwary, and to direct the Subjects to their Ruin, and even to detain them Prisoners, they have thereby annulled the ancient Fidelity of the *Polanders*, the Honour of the Nation, the Equity of their Conscience, as practis'd among their Predecessors; as a Band never to be broken, and thereby established to their own Confusion.

2. And that such evident and publick Facts might be made to appear to his Majesty, the Deputation, consisting of the Lords *J. Zaluski*, Captain of *Zurwichors*, and

A. Zaurzewski, Field Notary of *Posnania*, to whom it is ordained to represent in the best Manner, by a Speech, the Zeal and Fidelity of the said Palatinates, with the utmost Humility to his Majesty, assuring him they will never swerve from the same, and humbly beseeching that his Majesty would be pleased to answer the Expectation of his People, the sooner the better, by his fatherly Presence, in Order to restore the Tranquility of the Realm and secure the same.

3. As in the Dietines appointed in Favour of *Stanislaus's* Party, all that has been done contrary to Right and Reason, and even with Force to oppress what is not agreeable to Justice, and to weaken and oppress the Inhabitants, is here annulled and rejected; but in Order that nothing may remain unresented and unpunished, *M. Twardowski* is appointed a Plenipotentiary; that he may represent and bring before the Confederacy, all Debates and Oppressions brought or committed by any one, before the Court of the said General Confederacy; and *M. Paleski* having been so bold as to take upon himself the Office of Marshal, and has since thought fit to prosecute the innocent Noblemen at Law, to take them off from their Allegiance, and punish them, *Uc.* we summon him before the Court, and resolve to pass his Sentence without Loss of Time. And we allow the said *M. Paleski* the Sum of 5000 Florins to defray his Charges, out of the Dutchy Revenue.

4. It shall also be decreed, that Revenues Ecclesiastical and Civil, which shall be unlawfully taken up, shall be restored to the Right Owner, and Care shall be taken that they shall not be able to avoid the Prosecution of the Law, and shall never be exonerated by any Amnesty whatsoever.

5. It has been declared to the illustrious Regimentary of *Poland*, that all Writings against his Majesty of *Poland*, and the Liberty of the Subject, to the Advantage of *Stanislaus*, shall be without Loss of Time erased and cancelled.

6. The resuming of the Fiscalskip has been approved, and Commissioners appointed for that End.

7. It is added to the said Commission, that the Rev. Rector of the *Jesuits* College at *Posnania* should be requested, that the Ducal Contribution laid up there in former Years, should be carefully kept in the same College for the Use of the Republick,

8. It was ordained, that the Marshal of the Confederacy of the aforesaid Palatinates should be required to write to the illustrious Palatine of *Calish*, to secure the Contributions laid up in former Years, and bring the Sign-manual of the aforesaid Rector of *Posnania* about the Sums intrusted, and also the Keys to him intrusted in the Name of the Palatinate.

9. They have appointed the 27th Day of *September* of the current Year, for the Continuation of their Deliberations upon the publick Affairs.

Whether these Resolutions were, as was pretended, according to the Strictness of the Laws of the Realm, we shall not pretend to determine; but their having been agreed to *Nemine Contradicente* is not at all a certain Sign of their being so; for Men generally reason in so different a Manner, and are so apt to disagree in their Opinion, that when an Assembly agrees unanimously upon any one Thing, it is a strong Presumption that the Members are under some other Influence than that of Reason; so that the Unanimity of an Assembly is more often an Argument against than for the Reasonableness of their Resolutions, because Assemblies that are under any other Influence than that of Reason, are, by Experience, we find, very apt to agree to the most unreasonable Propositions, and in the present Case, it is really something farcical to see this Assembly thanking their new King for the *Liberum Veto*.

This Historical Account of the Polish Affairs to be continued.

The same Reasons that obliged us to discontinue our Account of the *Polish Affairs*, were likewise the Cause why we have been so long silent as to those of *Italy*, to which we now return. In Number 76 of our *Register*, we gave an Account of the Reduction of the Kingdom of *Naples* to the Obedience of *Don Carlos*, and also of the Battles of *Bitonto*, *Parma*, and *Guastalla*; with which, and the Siege of *Mirandola* by the *French*, we closed the Campaign on that Side for the Year 1734: But a more particular Account of that Siege, and the Raising of it by the *Germans*, having since come to our Hands, we think fit to communicate the same to our Readers.

I T A L Y.

DURING the remaining Part of the Campaign, after the Battle of *Guaftalla*, the two Armies made feveral Marches and Countermarches, but nothing very remarkable happened, except that about the Beginning of *October*, a Detachment of the allied Army under the Command of the *Marquess de Mallebois*, went and laid Siege to *Mirandola*; but upon Report that a strong Detachment of the *German Army* was marching to the Relief of the Place, he raised the Siege, and returned with his Detachment to the allied Camp near *Guaftalla*, where he staid till it was found that the Report was false, and then he returned and laid Siege to the Place in Form, as we have already observed: Upon this, *Count Konigsegg*, who was then encamped with the Imperial Army in the *Seraglio*, passed the *Fossa-Maestra* on the 10th of *October*, and made a Shew as if he intended march up and attack the allied Army, most Part of which was then encamped upon the *Oglio*: This he did to conceal his true Design, and to endeavour to make the Allies draw off the Detachment encamped at *Guaftalla*; in Order that they might not be near at Hand to support the Detachment then besieging *Mirandola*: In the mean Time General *Neuperg* was detach'd from the Imperial Camp near *Mercavia* with 3000 Foot, 1500 Horse, and 200 *Hussars*, who being joined by some Troops at *Governolo* and *Ostiglia*, so as to make up a Body of 6000 Men, he passed the *Po* at *Sochetta*, put a small Party of the Enemy on the other Side to Flight, and marched up to *Mirandola* with such Expedition, that the Allies were obliged to raise the Siege, and to retire with so much Precipitation, that they left eight Pieces of Cannon, two Mortars, all their Ammunition, Provision, and Baggage, a Prey to the *Germans*; for tho' the Allies had not drawn off their Detachment at *Guaftalla*, yet the *Germans* marched with such Secrecy, that the Detachment at *Guaftalla* heard nothing of their coming, and therefore did not march up to the Support of their Detachment before *Mirandola*.

The Imperialists having in *November* received a large Reinforcement from the Army on the *Rhine*, the Allies retired from the *Oglio*, and encamped or cantoned their
Troops

Troops about *Cremona*; whereupon Count *Konigsegg* sent the Prince of *Hilburghausen* with a numerous Detachment to take Possession of that Part of the *Mantuan*, lying between the *Oglio* and the *Po*, and of some other Places which the Allies had in a Manner abandoned: The Prince marched first to *Bozzolo*, which he found entirely abandoned; and having left a Garrison of 300 Men there, he marched from thence to *Sabionetta*, in which he found the Allies had left a Garrison of 200 Men, whom the Prince summoned to surrender, but the Governor, not seeing any Cannon, bid him Desistance: The Prince immediately judging from whence his Obstinacy proceeded, ordered privately some Trunks of Trees to be cut in the Shape of Cannon, and having got them coloured over with Dirt, he order'd them to be laid on Carriages drawn by eight Horses, and convey'd before the Town: Upon this, the Governor taking them for real Cannon, demanded to capitulate, which was granted, and he marched out with all the Honours of War. After this, 'twas thought the *Imperialists* would march to attack the Army of the Allies; but they also receiving soon after a strong Reinforcement from their Army on the *Rhine*, the Design, if there ever was any such, was laid aside.

Tho' the Army of the Allies began to canton their Troops about the End of the Month *October*, because of the great Rains that had fallen in that Month, yet as the *Germans* continued in the Field, they did not go into Winter Quarters 'till towards the Middle of *January*: However, as the Season was too far advanced, and the Roads render'd impracticable for the March of Armies, so that nothing of Importance could be undertaken on either Side, the King of *Sardinia* set out for *Turin* on the 21st of *December*; and about the Beginning of *January* the Marshal *de Coigny* set out for *Paris*, leaving the Command of the Army to the Marshal *de Broglie*; as did about the same Time Count *Konigsegg* for *Kienna*, leaving the Command of the Imperial Army to General *Wallis*; the Campaign having ended by a smart Skirmish between a Detachment of the Allies sent to surprize *Sabionetta*, and a Detachment of *Germans* who came to its Relief, in which the *French* say they had the better, and that they killed 400 of the *Germans*, and took three Companies of Grenadiers Prisoners; but the *Germans* say they had but 200 Men killed and wounded; and indeed it seems to have been a Sort of drawn Battle; for

1

tho'

tho' the *Germans* could not say they got the Victory, yet they kept Possession of the Place.

On the 11th of *March* Count *Konigsegg* returned again, and resumed the Command of the Imperial Army in the *Mantuan*; and about the same Time the Marshal Duke de *Noailles* arriv'd at *Cremona*, and took upon him the Command of the *French* Army; soon after which the Marshal *Broglio* set out for *France*, and both Armies began to prepare for a new Campaign. Where we will leave them a while to see what was doing in *Naples*, *Sicily*, and on the Coast of *Tuscany*.

About the End of *June*, 1734, a Detachment of the *Spanish* Troops embarked on Board two of their Men of War, with Orders to possess themselves of the Islands of *Lipari*, situate about 35 or 40 Miles from the North Coast of the Island of *Sicily*; and accordingly they made a Descent upon the Island of *Lipari*, the chief of them, and the only one where the Imperialists had any Garrison: Upon their Landing the *German* Governor abandoned the Town of *Lipari*, and retired with his Garrison to the Castle of *Pignataro*; but he and his Garrison were soon obliged to surrender themselves Prisoners of War; and thus the *Spaniards* got footing in the Kingdom of *Sicily*, to which these Islands belong.

As to the Embarkation of the *Spanish* Forces for *Sicily*, and the Reduction of all the Fortresses in that Island, except the Citadel of *Messina*, *Syracuse*, and *Trepani*, we have already given an ample Detail of those Transactions from Page 310 to Page 314 of our Register Number 76, and shall now continue the Progress of the *Spaniards* in that Island, but must first take Notice of the Surrender of *Capua* which compleated the Reduction of the Kingdom of *Naples*.

This strong City, in which was a brave Governor and a numerous Garrison, had been closely blocked up by the *Spaniards* ever since their Arrival in the Kingdom of *Naples*, and continued to be so till the End of *October*, 1734, when they began to prepare for besieging it in Form, for which Purpose several Works were begun by Orders of the Marquess de *Pozzobuono*, who commanded the Blockade; and on the 15th of *November* the Duke of *Liria*, who had then taken the Title of Duke of *Berwick*, arriving in the Camp to command those Troops, he ordered the said Works to be carried on with such Expedition, that on the 20th every Thing was prepared for the opening the Trenches, and beginning

to batter and bombard the Place with a vast Number of Cannon and Mortars; but the Governor being willing to save the Troops he had under his Command, and prevent their being made Prisoners of War, as the rest of the Imperial Troops in that Kingdom had been, he sent out an Officer to make some Proposals, which the Duke of *Berwick* immediately dispatched by Express to Don *Carlos*, who was pleased to accept of them, and the next Day the Capitulation was signed.

By this Capitulation 'twas agreed, that the Governor should have eight Days allow'd him to send a trusty Person to Cardinal *Cinfuegos*, the Imperial Minister at *Rome*, in Order to know whether the Besieged had any Relief to hope for; or whether there was like to be speedily a Suspension of Arms between the Powers engaged in the War: That, unless prevented by one of these two Circumstances, he should evacuate the Place on the 30th: That the Garrison should march out with all military Honours, Arms, and Baggage, with two Pieces of Cannon, and two cover'd Waggon: That they should be conducted to *Manfredonia*, there to embark for *Frieste*, on Condition that none of the Officers or Soldiers should bear Arms for a Year, against any of the Powers in Alliance with *Spain*: That their March and Transportation should be at their own Charges; but that the *Spaniards* should lend them 30,000 Ducats, for securing the Repayment of which, two Officers were to be left as Hostages; and that the Garrison, on their Arrival at the Gallies of the Place, should lay down their Arms, and not resume them 'till their Embarkation. Accordingly the Garrison marched out on the 30th, and the *Spaniards* took Possession of the Place, being the last that held out against them in that Kingdom.

Such was Don *Carlos*'s uninterrupted Success in the Kingdom of *Naples*; his Success in *Sicily* was altogether as rapid, where the Garrison of the Citadel of *Messina* being reduced to great Straits, were obliged to offer to capitulate; and the Articles of Capitulation being approved by his young *Sicilian* Majesty, they were signed the 22d of *February*, N. S. by the Marquess *de Gracia-Real*, Commander of the *Spanish* Troops that besieged the Place; and the Prince *de Lobkowitz*, the Emperor's Governor: By which Capitulation it was in Substance agreed, That on the 25th of the same Month, the Besieged should deliver all the Outworks into the Hands of

the *Spaniards*, and consign to the Officers of the Artillery, nominated by the *Marquess de Gracia-Real*, the Artillery and Ammunition which were in the Citadel: That on the 31st, at eight o' Clock in the Morning, they should deliver up the Forts of *S. Salvador* and *della Santerna*: That the Besiegers should enter the Citadel the same Day; and that the Garrison should retire into the *Lazaret*, which the *Spaniards* were not to enter 'till the Garrison was embarked: That they should march out of the Place with the Honours of War, Arms, and Baggage, Drums beating, Colours flying, and 30 Charges for every Soldier: That they might take with them two Pieces of Cannon, from eight to twelve Pounders, with 50 Charges for each Piece, and two Artillery Waggon; and that one Mortar of eight or ten Inches Bore, should be granted to the Prince *de Lobkowitz*, out of Respect to him: That the Vessels on Board which the Garrison should embark, should not be searched: That they should be convoy'd by one of the King of Spain's Men of War, which should conduct them to *Fiume* or *Trieſte*; and that if they should be driven by Strefs of Weather into any Port of the Kingdom of *Naples*, the Imperialists on Board those Ships should be furnished with every Thing they wanted at a moderate Price: That the Garrison should be permitted to buy Provisions in the City of *Messina*: That the Prince *de Lobkowitz* might communicate the Capitulation to General *Roma*, who commanded at *Syracuse*, nay even send for Money from thence: That the Prisoners taken by the *Spaniards* at the Attack of the Castles of *Gonzaga* and *della Pantorna*, should be set at Liberty the Day the Besieged evacuated the Citadel: That the Imperial Officers, who had left their Families and their Baggage in the City of *Messina*, or in any other Place in the Kingdom of *Sicily*, might take them from thence, and carry them away: That those who had Business in the City, might go there with the Prince *de Lobkowitz*'s Passport, upon Condition that the Besieged should admit into the Citadel such *Spanish* Officers as should produce the *Marquess de Gracia-Real*'s Passports: That until the Garrison should evacuate the Place, the *Spaniards* should suspend their Works, and should not commit any Act of Hostility, provided that the Besieged maintained no Commerce with any Ship, but suffered all that belonged to the *Spaniards* to pass to and fro with all Freedom: That if, after the Undertakers who furnished the Garrison with

with any Thing, had settled their Accounts with the Imperial Commissary, who was at *Syracuse*; it should appear that the Emperor was in their Debt, the Garrison should not be molested nor detained upon that Account; and that they should only be required to leave Hostages, as usual upon such Occasions.

After the Surrender of the Citadel of *Messina*, the Infant Don *Carlos*, now called King of *Naples* and *Sicily*, embarked at *Palmi*, on Board a Felucca, the 9th of March following, and in less than four Hours landed safe on the *Sicilian* Shore, to the great Joy of the Inhabitants of that Island; and as Fortune accompany'd that Prince where ever he went, the *Germans* surrendered up *Syracuse* the 2d Day of *June* following, after a Blockade which had continued ever since the landing of the *Spaniards* in *Sicily*. The Articles of Capitulation were as follows:

1. The *Germans* shall evacuate the Town and Castle in 20 Days.

2. In the mean Time the advanced Works shall be deliver'd up to the *Spaniards*.

3. The Garrison shall march out with all military Honours.

4. They shall be allow'd two Pieces of Cannon, with Powder and Ball for 50 Charges.

5. The Governor shall be allow'd a Mortar-piece and 50 Bombs.

6. Eight Days before the Evacuation, two Officers of the *Spanish* Train shall be sent in to visit the *Arsenals*.

7. The Sick and Wounded may have Leave to stay 'till they are perfectly recovered.

8. The *Spaniards* shall provide the Garrison with necessary Shipping, for transporting them to *Trieste* or *Fiume*.

9. All Prisoners on both Sides to be set at Liberty.

10. The Imperial Officers shall have Liberty to sell their Horses, and every Thing else that they may find useless to them in their Voyage.

11. Such of the said Officers as have any Affairs to settle in the said Kingdom, shall have Permission to stay 'till they have entirely finished them.

12. The Vessels coming into, or going out of the Port, shall receive no Molestation, upon any Account whatever.

13. The City may hope for the Confirmation of its Privileges from the Clemency of her Sovereign.

14. What Sale has been made of useleſs Braſs, Lead, or Iron ſhall be allow'd, provided nothing has paſſ'd in Prejudice to the King's Duties.

15. The *Spaniards* ſhould advance 30,000 Florins to the Garrisons, who ſhall leave two Officers Hoſtages for the Payment of them.

16. At the Time of the Evacuation, both Sides ſhall give Hoſtages, for the due Execution of the preſent Articles.

Immediately after the Reduction of this City, the *Spaniſh* General marched, and laid cloſe Siege to the ſtrong Fortreſſes of *Trepani*, the only Place left in the Poſſeſſion of the Emperor in the Kingdom of *Sicily*; which Fortreſſes might have given the *Spaniards* great Trouble to have reduced it by Force; but it having been block'd up on all Sides, ever ſince the *Spaniards* landed in that Kingdom, the Garrison was reduced almoſt to a ſtarving Condition; and therefore they immediately capitulated, upon much the ſame Terms that had been granted to the Garrison of *Syracufe*.

By the Reduction of *Trepani*, Don *Carlos* being made Maſter of the whole Kingdom of *Sicily*, and every Thing being in Readineſs for his Coronation, he made his publick Entry into the City of *Palermo* on the 30th of *June*, N. S. with great Solemnity; and on the 3d of *July* was performed the Ceremony of his Coronation, with great Pomp and Magnificence, the Crown which was made for this Purpoſe being valued at 1,200,000 Pieces of Eight, which is near 300,000 *l. Sterling*.

We muſt here obſerve, that the *Spaniards* judging from their daily ſurpriſing Succeſſes that attended their landing in *Sicily*, that the Conqueſt of that Kingdom would not demand near ſo many Men as they had invaded it with, a great Part of their Troops were ſoon ſent back to *Naples*; and after the Reduction of *Capua* they prepared for ſending a great Body of them under the Command of the Duke de *Bitonto*, now made Duke de *Montemar*, to the Aſſiſtance of the Allies in *Lombardy*; which Body accordingly began their March in *January* following, thro' the Eccleſiaſtical Territories for *Tuſcany*, where, as ſoon as they were arriv'd they laid Siege to *Orbitello* and *Porto-Ercole*, and the other Fortreſſes the Emperor poſſeſſed on the Coaſt of that Dutchy; and after reducing ſome of them, and leaving a few of their Troops to carry on the Siege of the others, particularly *Orbitello*, and *Porto-Ercole*, the Duke de *Montemar* marched

marched with the Main Body, in Order to join the allied Army against the opening of the late Campaign in Lombardy; but, in their March from *Naples*, the *Spaniards* had the following Dispute with the Commonwealth of *Lucca*.

Three *Spanish* Soldiers, and an Officer of the same Nation, offering to go in at one of the Gates of the City of *Lucca*, they were obliged to lay down their Arms, and leave them at the Gate, before they were permitted to go on. Being returned to their Quarters, an Account of what had passed was immediately given to the Duke de *Montemar*, who took it as a Reflection upon the Honour and victorious Arms of the King his Master. The next Day therefore, he sent six Soldiers and a Corporal to *Lucca*, follow'd at a considerable Distance by a Detachment of 2000 Men. The former being arriv'd at the Barrier, the Guard bid them leave their Arms at the Gate; but they, instead of doing as they were bid, fixed their Bayonets to the Muzzles of their Muskets, and went their Way into the City. Having, thus armed, taken a View of the publick Walks and Places, they went into an Inn, where they eat and drank, and rodomontaded as they pleased; after which, the Corporal went to the Palace, and asked to speak with the Gonfalonier (so they call the chief Magistrate) while his six Soldiers, who had accompany'd him thither, saunter'd about the Court of the Palace with their Arms. What Compliment the Corporal made to the Gonfalonier, is not yet known; but that Magistrate thought it his Duty to send a Gentleman to *Leghorn*, where the Duke de *Montemar* was to arrive that Day, to complain to the General of the Proceedings and Conduct of his Troops. The Duke de *Montemar* being arriv'd, he admitted the Deputy of *Lucca* to an Audience; but far from entering into his Reasons, he declared to him, that he would certainly try the three Soldiers who had been such Cowards the Day before, as to lay down their Arms at the City Gates; and as he would punish them severely for neglecting an Opportunity of gaining Respect to the Arms of *Spain*, so would he likewise revenge the Affront which the Republick had put upon so great a King. This Answer made the *Lucqueze* tremble; but at last it was agreed, that in Consideration of 20,000 Crowns paid down, his Excellency would generously forget what had pass'd.

Upon

Upon this Occasion we must take Notice, that in all fortified Places, where there is a Garrison kept, it has always been the Custom not to permit Strangers to enter with Arms about them, they being always obliged to leave whatever Arms they have with the Guard at the first Gate; but People that want either Power or Courage to defend their Privileges, must expect to have them trampled upon by every Man who finds an Opportunity to do it.

An Affair of much the same Nature has happened likewise to the *Genoese*: When the *Spanish* Army arriv'd upon their Frontiers, the Duke de Montemar desired Leave to quarter some of his Troops in *Sarzana*, a fortified Town belonging to that Republick, which was refused by the Senate; whereupon the *Spanish* General told them, that if they would not grant it he would take it, and that he was resolved to send ten Battalions to that Town and *Porto Specie*, another fortified Place belonging to them: This very much alarmed the Senate of *Genoa*, and a solemn Deputation was immediately sent to the Duke, to acquaint him, that it was not thro' Want of Respect to his Most Catholick Majesty, that they made any Scruple of receiving the *Spanish* Detachment, but to prevent the Complaints which the Emperor might make on that Occasion: At last the Affair was accommodated, by their assigning some of their Villages for the *Spaniards* to quarter in, and paying the General 30,000 Ducats by Way of Composition.

These Exploits being perform'd, the *Spaniards* continued their March towards *Lombardy*, and *Monte Philippo* and *Porto-Ercole* in *Tuscany*, surrendered some Time after.

On the 14th of May, 1735, N. S. as the *Spaniards* were besieging *Monte Philippo*, in *Tuscany*, a Bomb from one of their Batteries happened to fall in the Powder-Magazine of the Fort, by which it was blown up, and several of the Soldiers of the Garrison killed and wounded; so that the *German* Governor was obliged to surrender on the 16th at Discretion.

It came now to the Turn of *Porto-Ercole* to surrender; the *German* Governor was, indeed, resolved to hold out that Place to the last Extremity; but Provision beginning to grow scarce, the Garrison mutiny'd against him, and obliged him to surrender to the *Spaniards*, on the 20th of June in the same Year, at Discretion: But immediately after the Surrender, he acquainted the Mar-
ques

quefs de las Minas, Commander of the Befieging Army, with the Cause of his giving up the Fortrefs, who was fo prudent as to enquire into the Affair, and upon finding it to be exactly as the Governor had related, he not only ordered eight or ten of the German Ringleaders of the Mutiny to be hang'd up immediately, but was fo polite as to offer the Governor whatever Conditions he pleased to demand for himfelf. The Spaniards found in the Place 120 Men, 16 Brafs Cannon, three of Iron, and four Mortars, and Plenty of Ammunition, but very little Provifion.

We have not Room at prefent to finifh the laft Campaign in Lombardy, and muft therefore defer it to another Opportunity; but we fhall clofe this Article of Italy with a List of the Spanifh Forces in that Country and Sicily.

In the Kingdom of Naples.

		Battalions.	Squad.
Burgos	_____	2	
Royal Bourbon	_____	2	
Estremadura Horfe	_____		3
Gaeta	{ Seville	1	
	{ Marchesi	1	
	{ France Dragoons		3
	{ Dermount	1	
Capua	Burgos	1	
Batavia	Dismounted Dragoons		3
Pescara	Samora	2	
Pavia	Dismounted Dragoons		3
Reggio	Sicily	1	
		11	12

In Sicily.

FOOT.	Battalions.	HORSE.	Squad.
Spanish Guards	1	Bourbon	3
Walloon Guards	3	Farnese	3
Corunna	2	Orders	3
Spira	2	Frizland Dragoons	3
Guadalaxara	2	Edinburgh	3
Africa	1		—
Burgundy	1		15
Parma	2		
Sicily	1		
Royal Bourbon	2		
Bester	2		
Nedewist	3		
Artillery	1		
	23		

In Lombardy, under the Duke de Montemar, Capt. Gen.

FOOT.	Battalions.	HORSE.	Squad.
Spanish Guards	4	King's Grenadiers	150
Walloon Guards	2	King's Carabincers	600
Castille	2	Alcantara	3
Lombardy	2	Barcelona	3
Navarre	1	Flanders	3
Haynault	2	Andaloufia	3
Namur	2	Milan	3
Ten Battalions more } from Spain	10	Malta	3
	—	Terragona	3
	25	More from Spain	12
			—
			33

Total of the Troops.

	Battalions.	Squad.
Naples	11	12
Sicily	23	15
Lombardy	25	33
and 750 Men		—
Tuscany	4	60
	63	

Making in all, about 45000 Foot, and
9750 Horse and Dragoons.

54750

F R A N C E.

AS the Disputes about Religion and the Bull *Unigenitus*, still run very high in France, they have produced a most extraordinary Effect in the Bishop of *Papoul*, Brother to the Marquess *de Segur*, which shews that the Bishops of that Country have some Conscience; at least, we must grant, that this Gentleman has a great deal. He is not yet above 41 Years of Age, was promoted some Years ago to this rich Bishoprick, and now, for Conscience Sake, he has laid it down; on which Occasion he publish'd the following Mandate, viz.

JOH*N Charles de Segur*, by Divine Permission, Bishop and Lord of *St. Papoul*, to the Secular and Regular Clergy, and to all the Faithful in our Diocese, Health and Benediction in him who came into the World to save Sinners.

We could no longer delay, my dear Brethren, to notify to you the Resolution we have taken, to descend from our Elevation, and discharge ourself from the Weight of our Episcopal Office. We have a long Time sought to elude and deceive ourself, as to the Manner of our entering therein, but God has not suffered the false Repose we enjoyed to last always. For two Years past he spoke to and pressed us. His Voice, which nothing can stifle, pursued us within ourself. Whatever Care we have taken to conceal from you the Alarms of our Conscience, you might observe, that we were no longer the same as formerly; but it is Time to tell and explain the Enigma; yes, my Brethren, we are obliged to it; this is not our Work, but that of the Almighty: *Hæc mutatio dextera Excelsi*.

Scarce the first Rays of Grace had opened our Eyes, but we perceived how much we owed to the Justice of God, to satisfy which, must we continue in the eminent Station in which our Rashness placed us? Or must we descend from it? The Voice of our Conscience cry'd to make the latter Choice. Before we resolv'd thereon, we consulted wise and experienced Persons, told them our Condition, and concealed nothing that might be necessary for their giving Judgment. They, touch'd with the Troubles of the Church, and the Need she has of Pastors, counselled me to remain with you,

G

my

my dear Brethren, and to repair by contrary Steps, all those with which we reproached ourself. But God, who put it in our Heart to follow exactly the Rules and Canons of the Church, gave us Strength only to submit thereto. By Way of Deference to those we had consulted, we try'd to put their Advice in Practice, but always in vain; worldly Respect restrain'd us, a false Fear bridled our Tongue, and our Mouth pronounced what our Heart continually gainsaid. How many Times have we reproached ourself with this Weakness! How many Times complain'd, that the Guides we had taken had not sufficient Regard to our Case! At last we determined to renounce our Episcopal Chair, and from that Moment have recovered that Peace which God had annexed to a Proceeding so canonical, and so conformable to our Wants.

Is it necessary, my dear Brethren, to justify ourself in your Sight? How mortifying soever the Publick Confession of our Sins may be, we feel in ourself the Courage to make it. The Sight of our Miseries will incline you to pray for us; and if any one had a Mind to endeavour to restrain us, the same Reasons which press us to leave you, will dispose him not to oppose the same.

Disguised with the World, in an Age then little advanced, and furnished with Favours which made us feel all the Dangers thereof, we sought in the Society of the Oratory, the Instructions and good Examples we stood in need of, and found them in Abundance. We there learnt to know *Jesus Christ*, the Dignity of the Priesthood, and the Qualities necessary to be invested therewith. Struck with a holy Awe, we looked on that Office only to acquaint ourself, that we must not aspire thereat, and took for our Direction the last Words of this Maxim of *St. Gregory*, *Virtutibus Pollens, Coactus ad Regimen Veniat; Virtutibus Vacuus, nec coactus accedat*. We confined ourself to the inferior clerical Duties, and should have been too happy to have spent our Days in a Station, which was formerly the Reward of Confessors of *Jesus Christ*: But Events, which all the World knows, gave Entrance to the Man of Sin into our Hearts; his first Assaults were repulsed, the second became more powerful, and began to make us give Ground. *Satan* shew'd us not only the Kingdoms of the World, but that which is external and darling, even in the Kingdom of *Jesus Christ* itself; we were struck therewith, and desired it, and because we did not take Care to have Recourse to God, we fell under the Temptation.

Two Obstacles at first oppos'd our Advancement : We had adhered to the Appeal, which the Bishops of *Mirepoix*, *Senex*, *Montpellier*, and *Boulogn*, had brought against the Bull *Unigenitus*, and we belonged to a Congregation become odious to the chief Powers, because of the Opposition it shew'd to this fatal Decree.

We begun therefore by quitting the Congregation of the Oratory ; we received the Order of Priesthood, and was made Grand Vicar of a Diocese, where the Opposition to the Bull was almost general. In order to efface the Impressions which our Adherence had made in People's Minds, we not only renounced the Appeal, but made it a Merit to bring others to do the like ; making Use of every Thing for that Purpose ; soft Inclination, Promises and Threatnings ; nothing was omitted. Of what a Fall were we then the Cause ! How many Murders have we committed ? Alas ! what a Blindness was we in ? The Fall of our Brethren served to quiet us, and the pernicious Way in which we walked, appeared more sure, as we drew Prevaricators into it.

To these Extravagancies we added others : There Ecclesiasticks of Merit had the Courage to oppose us. They were in quiet Possession of their Benefices, and to punish their Refusal to renounce the Appeal, would oblige them to sign purely and simply the Formulary of Pope *Alexander VII*. They offer'd to sign, and did do it, as the four Bishops did formerly, with the Consent of the Sovereign Pontiff, *Clement XI*. This Subscription, which had farther for its Authority 19 Bishops, whose Memory is still dear to the Church, became a Crime in the innocent Persons whom we persecuted, and they whose Faith was pure and irreprehensible ; they who loved the Church, and were loved by her, were condemned by us, as disobedient, and Enemies to her Decisions ; we stripp'd them of their Benefices, and took from two Parishes of the City, two worthy Pastors, and a Prebendary from a Cathedral Church : These, my Brethren, were the Ways we took to come among you, and to attain the Episcopal Dignity. Grieve then for us and with us ; 'tis of us the Prophet saith, *Ipsi regnaverunt & non ex me ; They have reigned of themselves, and not of me ;* they have been Princes, and I have not known them.

From thence proceeds, therefore, the Unprofitableness of a Ministry, which we had the Rashness to usurp, and from thence the Scandal we have given, by the Steps we took in Favour of the Bull *Unigenitus*. In our first Man-

date we propos'd it as a Law of the Church, to which you ought to submit; in a second we required of you the same Submission; in 1728, we went still further, we, who know the Virtue, the Innocence and Integrity of the Faith of the Bishop of *Senes*, we condemn'd the famous Civilians, who undertook his Defence; they did what we ought to have done, and we made them suffer the Chastisement which we had merited.

Can we then, dear Brethren, sufficiently deplore the Share we had in the Iniquity of a Judgment, which will ever be the Shame and Dishonour of those who pronounced it? Let us then carry ourself, at least in Spirit, to the holy Mountain, there to throw ourself at the Feet of the Prisoner of *Jesus Christ*. It was from his Hands that we took God for our Heritage, when we enter'd into the Priesthood, and it is between his Arms that we would repair, by renouncing the Episcopal Dignity, the very great Fault we committed therein. May he look upon us as the Son of his Loins, his Bowels will be touched, when he shall see us at his Feet. We have sinned against Heaven and against him, but we read in his Heart that he has already pardoned us. May we, on the Retreat wherein we will pass the rest of our Days, become the Imitator of this holy Bishop! It is only permitted to us, to follow him in the Battles he has maintained for the Faith; we will endeavour to imitate him in a penitent Life, who is the Edification of the Monastery where he is detain'd, and who fulfils the Joy of the Church.

We comfort ourself, my dear Brethren, in the Sight of the vast Debts we have contracted with God, only by the Hope that we are now going about to acquit them. May that happy Day come, when we shall be eas'd of a Burden which presses us down; when we shall enter again into the Path from which we have stray'd! How good is God to search for us, after having been abandon'd! We heard his Voice, and stopp'd our Ears; but at last Truth hath appeared to us in its first Splendor, in Spite of the Injuries with which Men shaded it, and is alone worthy to be beloved. How different is the Reign of its Enemy? When we renounced the Appeal, we felt nothing within us but Trouble and Fear, and without, nothing but Ease and Pleasure. Now Peace enters into our Soul, as we confirm ourself in the Resolution to confess the Truth; and if we feel any Fear, it comes from without, and regards only the bad Treatment which our Return to God may draw upon us. If we compare the Motives upon
which

which we formerly acted, with those that now animate us, how much will Truth appear superior to Error? When we retracted our Appeal to become a Bishop, the Motive was worthy of the Cause to which we adhered; now we renounce our Bishoprick, to join again in the Appeal, we render to Truth a Homage which it only can inspire.

May this Step make in you, my dear Brethren, all the Impression it ought to make, and secure you against all the Assaults made upon it. You see the Change God has made in us, and that he can vanquish when he pleases: He changes Wolves into Lambs, Persecutors into Apostles: He says, and 'tis done: He commands, and is obeyed. If he desers to appease the Storm which our Sins have raised, 'tis because he knows, that all the Efforts of Men are in vain, and that the Gates of Hell can never prevail against his Church. Joy then with us, my dear Brethren, to pray to God to put an End to the Troubles with which we are so violently tossed. This is all we are capable to do, in a Time of Affliction and Obscurity. We leave it to Hands more us'd to combat than ours, to defend Truth with the Arms of Light, which have rendered them so formidable to their Enemies. 'Tis to those great Bishops who remain firm in the Paths of Truth, that it belongs to write in the Defence thereof. 'Tis sufficient for us, to make Use of the Authority we yet enjoy, to repair the Evil we have caused during our Administration.

Receive also, with this last Adieu, our Assurances, that we shall never forget you in our Retreat. We trust that when God shall have pardoned us, he will not reject the Prayers we shall offer continually for your Salvation. The Order of Love, which begins by doing Good to ourself, separates us externally from you; but this same Love forms internal Bands, which joins us so closely to you, that nothing shall be able to separate you from our Heart. How could we be useful to you, where the Lord baptised not with us? We contented ourself with plastering the Wall with Dirt only, without considering who should strengthen it. Do not regret the Services we might now render you. Has God need of our outward Labours to save you? *Putas ne, Deus de vicino ego sum, dicit Dominus, & non Deus de longe?* Yes, my Brethren, we hope to be more useful to you, by weeping in Solitude for you, and for ourself, than if we remained in a Place wherein God does not cease to tell us, that we

do

do not please him. God is just, and in treating us as he does, he tempers his Justice with abundance of Mercy. We deliver ourself into his Hands, and give up ourself wholly to him; because no Person can be a Father like him. Too long have we followed our own Will, now let him accomplish his. *Ecce elongavi fugiens & mansi in Solitudine. Expectabam eum qui Salvum me fecit a Pusillanimitate Spiritus & tempestate. Precipitato Domine, divide linguas eorum, quoniam vidi iniquitatem & contradictionem in Civitate.*

For these Causes, after having most profoundly humbled ourself before the Truth, which we have offended, and asked Pardon of the Church, for all the Steps we took in Favour of the Bull *Unigenitus*; to repair, as much as lies in us, the Scandal we have caused, the holy Name of God being first invoked, we retract our Mandates of the Month of *August*, 1724, and of the Month of *February*, 1727, as to what was contained therein, in Favour of the said Bull. We wholly retract what we published in 1728, against the Consultation of the Advocates: We adhere to the Appeal made to a future General Council, the 1st of *March*, 1717, by the Lords Bishops of *Mirepoix*, *Senes*, *Montpelier*, and *Boulogn*, and all the other Acts they have made in Support thereof. Joining ourselves to a Cause so just and holy in itself, we retract every other Act, contrary to our present Mandate, that may be extorted from us for the future, which we hope by God's Grace will never happen. We declare, in the Sight of him who searcheth the Hearts and Reins, that we are not determined to the Choice we now make, 'till after having a long Time reflected thereon. That this Step does not come from the Suggestion of any Person, but that we take it in full Liberty. May it please him who inspir'd us thereto, to give us Strength to maintain it to our last Breath.

Given in our Episcopal Palace at *St. Papoul*, the 26th of *February*, 1735.

Signed, *John Charles*, Bishop of *St. Papoul*.

This Mandate made a great Noise in *France*, and what was added to it, that the Advocates of the Parliament of *Paris*, writ in a Body, a Letter of Thanks and Congratulation to the Bishop, on that Occasion; by which it is reckoned, that those Gentlemen will again draw the Resentment of the Court upon themselves;

selves; so that we may probably have Occasion to take some further Notice of this Mandate. In the mean Time we cannot but observe, that the fawning Bishops, the Jesuits, and the Courtiers, endeavour to represent this Gentleman as a mad Man, which is a most impudent Piece of Wickedness; for if the Bishop was really convinced that he was in the wrong, he was obliged in Duty, both to God and Man, to give one of the most publick Testimonies of it he could, to the End that those who had been led into an Error, or confirmed in an Error by his Example, might likewise, by his Example, be taught to renounce that Error; and to endeavour to brand such a dutiful Behaviour with the Character of Madness, shews that those who do so, must be utterly abandoned to all Principles either of Honour or Religion: They had done better to have gone upon the other usual Topick of Resentment and Revenge; for if they had affirmed, that the Bishop had asked some Favours which had been refused him, and that thereupon he had flung up his Bishoprick, and joined the Anti-Constitutionists, in Order to be revenged of the Ministers, they would not thereby have exposed the little Regard they have to the Principles of Honour and Virtue; but, it seems, they could find no plausible Pretence for saying he had been refused any Favour, and therefore they were reduced to the Necessity of calling him a mad Man for sacrificing his Interest to his Conscience.

Some Time before this Mandate made its Appearance, the Archbishop of *Gambray* published a Pastoral Letter on the other Side of the Question, which was briskly attacked by the Parliament, who published an Arret against it on the 18th of *February*, 1734-5, but by that Step the Parliament drew upon themselves the Indignation of his Holiness, and the Resentment of the Court. The King's Council of State published an Arret against that of the Parliament, and in Favour of the Archbishop, dated the 10th of *May*; and the following Bull arriv'd soon after from *Rome*.

CLEMENT XII. Pope.

Ad perpetuam rei memoriam.

PLACED by the Divine Providence in St. Peter's Chair, tho' without any Merit of our own, we have learned, with the utmost Grief, that certain printed Sheets are publickly dispersed in French, to the great Scandal of all good People, under the Title of *An Arret of the Court of Parliament, for the Suppression of a Book, intituled, The Archbishop of Cambray's Pastoral Instruction, &c.* We therefore committed the Perusal of the said Sheets to several of our venerable Brethren, the Cardinals of the Holy Roman Church, with other, Doctors in Divinity, to the End, that after a mature Examination, they might report to us their Sentiments of the same.

After then having heard the Opinion of the said Cardinals, and Doctors in Divinity, we of our certain Knowledge, and on mature Deliberation, do of our full Power and Apostolick Authority, declare by these Presents, that the Ordinances and other Things contained in the said Sheets, with all and singular the Matters pursuant thereto, now, and at any Time forever, are, and shall be absolutely and entirely null, void, of no Effect, invalid, rashly enterprising, presuming, not being of any Force or Authority; and, nevertheless, for better Surety, as much as need be, we for ever revoke, abrogate, set at nought, annul, and abolish, and every and each of those Things, absolutely taking from them all Force and Effect. Decree we, and declare in like Manner, that they be always regarded as revoked, abrogated, annulled, invalidated and abolished, and absolutely and entirely deprived of Force and Effect. We forbid the reading or retaining the said Sheets, as well printed as Manuscript, wheresoever or howsoever dispersed, as containing Propositions rash, false, injurious to our Authority as Sovereign Pontiff, and to the Episcopal Authority, favouring of Innovators, fomenting of Disobedience and Rebellion against the Church, and respectively tending to Schism. We forbid all and each of the Faithful, even such whose Character and Dignity makes it requisite expressly to mention them, to print or copy, retain or make Use of the said Sheets, under Pain of Excom-

Excommunication, incurred for one single Trespas, without Need of other Declaration; of which Excommunication no Person may, or can obtain Absolution, but from ourself, or from the Sovereign Pontiff for the Time being, except only in the Article of Death. We will also and order, of our Apostolick Authority, all such Persons who shall have the said Sheets, to deliver them either to the Ordinary of the Place, or bring them to the Tribunal of the Inquisition, as soon as they shall have Knowledge of these Presents; and all therein concerned are to take Care, that the same be burnt as soon as they shall be so delivered, notwithstanding any Disposition to the contrary. And to the End that the present Letters may be the more easily known to the World, and no Person, on any Pretence whatever, plead Ignorance thereof, we will and order, of our said Authority, that they be published by one of the Curfours of our Court, at the Gates of the Church of the *Prince of the Apostles*; at the *Apostolick Chancery*; also at the *Chancery of the great Court*, at *Mount Citorio*; and at the accustomed Places in the Fields of *Florus*, in this City; and that Copies thereof be stuck up and left at the said Places, as is usual in the like Cases. We will likewise and require, that all Persons concerned be obliged to take Notice of the said Publications, by Means whereof they are held to be duly advertised, and are comprehended by the said Letters, as much as if they had been notified to them personally. And all Persons are to give Credit in all Places to the Copies that shall be transcribed, made, or printed, of these said Presents, inasmuch as to the Original itself, were it forth coming; provided it be signed by the Hand of a Notary Publick, and sealed with the Seal of some Dignitary of the Church. Given at *Rome*, at *St. Mary Major*, under the Ring of the Fisher, the 18th of May, 1735, and the 5th of our Pontificate.

F. Cardinal OLIVERI.

A few Days after these Transactions, the Archbishop assuming himself on his Success, published a new Pastoral Letter, in which he not only called in Question the Powers and Prerogatives of the Parliament of *Paris*, but most immoderately triumphed in the above-mentioned Arret of the Council of State. This roused up the Parliament to exert themselves, which they immediately did by an Arret, viz.

H

The

The King's Counsel being enter'd, Mons. *Gilbert de Voisin*, the King's Advocate spoke in the following Manner:

Gentlemen,

IF, in a Pastoral Letter, which the Archbishop of *Cambray* has address'd to the Faithful of his Diocese, he had only arrogated to himself the Publication of the Arret of Council issued by the King, upon Occasion of that of the Court of the 18th of *February*, of this current Year, we should look upon that Step, on his Part, as a Sequel of the same Spirit he has elsewhere shewed in this Affair; and while the Court, full of her Respect and Zeal for the King, is always attentive only upon him, to learn what his Wisdom and Goodness might inspire him with, we should not have thought the new Writing of that Prelate, unguarded as it is, would divert our Attention.

But, Gentlemen, that which forces us here to act, is a Fault too sensible and remarkable in this same Pastoral Letter, for us at any Time, or in any Circumstances, to pass by. The Archbishop of *Cambray* forgets himself with Regard to the King, at the same Time that he applauds him for his Benefits and Favours. Flatter'd with the Idea he seems to have formed, to act in concert with the Sovereigns between whom the Extent of his Diocese is divided, one would think he was ignorant of what is due to his own Sovereign. God forbid that, upon this Account, we should have any Doubt of the Sentiments of his Heart. It were to be wished, that he had done as much Justice to the Intentions of others, concerning what is due to Religion, as we shall, at all Times render with Sincerity and Joy to his Intentions, with Regard to the Fidelity he owes to the King, and the inviolable Engagement which attaches him to his Crown. But he ought not to have forgot that, which obliges you this Day to refresh his Memory. The Title of *The Most Christian King*, used more than once in his Pastoral Letter, with Regard to the King, is that which, by a Prerogative of Distinction and Honour, born almost with the Monarchy, denotes and characterizes our Kings among foreign Nations. But for this very Reason, it does not become any of the King's Subjects to make Use of that Denomination, with Regard to him, nor to give him any other Name than that of the King absolutely, which carries along with

with it the Energy of the Acknowledgment, by which we declare ourselves subjected to his Dominion. By this plain and absolute Expression his Subjects know themselves, who, having no other King but him, are not to distinguish him, neither by the Title of *Most Christian King*, nor any other.

It is a Fact, Gentlemen, of which we have no need of other Example than that of the solemn Arret, which the Court issued on the 27th of May 1699, upon an Occasion too famous to have its Circumstances recall'd. The Archbishop of *Cambray*, in the See he possesses, ought, perhaps, to have more Circumspection and Reserve than any other; and the Court has the more Reason to be attentive thereto, because Part of that Prelate's Diocese is within the Limits of her Jurisdiction. We cannot therefore dispense with demanding the Suppression of the Pastoral Letter, and to enjoin him to speak of the King as it behoves a Subject to speak of his Sovereign Lord. This is the Object of our Conclusions in Writing, which we leave in the Court, with a Copy of the Pastoral Letter of the Archbishop of *Cambray*.

The Pastoral Letter of the Archbishop of *Cambray*, of May 19, 1735, with the Conclusions in Writing of the Solicitor General, having been produced, and the Matter contained therein having been debated,

The Court has decreed and ordained, that the said Letter be suppressed; enjoyns all those who have Copies thereof, to bring them for that Purpose to the Register of the Court; forbids all Booksellers, Printers, Hawkers, and others, to print, sell, disperse, or otherwise distribute them; forbids the said Archbishop of *Cambray* to add to the Name of the King, the Surname of *Most Christian* in his Pastoral Letters, Mandates and other Acts; enjoins him to speak of the said Lord the King, in Terms becoming Subjects to speak of their Sovereign Lord: Forbids him, moreover, to take upon him in any Acts, the Quality of Peer of *France*, as not having been received in the Quality, Office, and Dignity of Peer of *France*: Ordains that the present Arret be read, publish'd, and affixed wherever it shall be needful.

*Done in the Parliament, the
13th of June, 1735.*

Thus the Parliament of *Paris*, in the glorious Stand they made for the Liberties and Privileges of the *Gallican*

Church, and the supreme Power of their Sovereign, found themselves attacked, not only by the Council of State of their Sovereign, and the Majority of the Bishops of the Kingdom, but likewise by their holy and infallible Father, the Pope. But this last Opposition was not of any Weight ; for the Parliament, notwithstanding his Holiness's Infallibility, treated his Briefs and his Bulls as they deserved, by declaring them usurping and abusive.

The Bishop of *Papoul*, to whom we now return, became the Object of the Ministry's Resentments : His Mandate had given great Offence to his Most Christian Majesty, or rather to his Prime Minister the Cardinal ; an Arret of the Council of State was therefore soon after publish'd against it, the Preamble of which being very remarkable, we give our Readers the Substance of it, *viz.*

‘ That the King was at first willing to doubt of the
 ‘ Truth of a Piece so dishonourable to that Bishop, and
 ‘ so afflicting to the Episcopal Order ; but after his own-
 ‘ ing thereof, which he did by sending to his Majesty
 ‘ the Resignation of his Bishoprick, his Majesty could
 ‘ not hinder himself from remarking, that this Mandate
 ‘ is the Work of a Prelate, unfortunately seduced by
 ‘ artificial and designing Men : That those who thus
 ‘ shew him as a Spectacle to the Publick, make him own
 ‘ that Ambition only, and the Sacrifice of his Conscience
 ‘ and Honour, opened to him the Doors of the Sanctuary.
 ‘ That, indeed, he pretends to expiate a Conduct so un-
 ‘ worthy of his Character, by the Repentance he expres-
 ‘ ses ; but that his publick Confession is confined to the
 ‘ putting his Submission to the Bull *Unigenitus*, among
 ‘ his greatest Crimes. That such is the Idea which the
 ‘ Bishop gives of himself, who confesses his being guilt-
 ‘ ty, only to accuse the Pope and the Bishops, of having
 ‘ abandon'd the Cause of Truth ; as if he could not err
 ‘ but while he was united to them, and was become
 ‘ infallible at the Moment he undertook to revolt
 ‘ against their Authority, &c.

As the *French* Ministers have, it seems, engaged very deep in that *wise Project* of making all Mankind, or at least their own Subjects, of one Opinion, the Cardinal wrote lately to the Bishop of *Castres* in *Languedoc*, giving him some Admonitions, in Relation to certain Opinions which the Bishop was said to hold, and which have not, it seems, the Sterling Mark of Religion in *France*, to
 which

which that Bishop return'd an honest and bold Answer, in Substance as follows :

' A Bishop whose Conscience cannot reproach him ;
' who likes the Place of his Residence, and has no Ambition to live within the Sunshine of a Court, need
' fear nothing of what your Eminence writes to him. As
' Cardinal, I pay you Respect ; as a Minister of State, I
' have nothing to do with you ; as Bishop, I owe you
' no Duty, for I am your Senior ; as a Christian, I am
' accountable to God alone : It is before his Tribunal I
' hope to render myself acceptable, where we must both
' of us appear shortly ; and it behoves you, my Lord,
' to take Heed, lest you should not find there the same
' Favour as in the Courts of Men.

In July the same Year, the *French* Court put a notable Affront on the Parliament of *Paris* : The Case was thus : The Parliament having, at the Instances of the Archbishop, publish'd an Arret for publick Prayers, to demand a Blessing on the Harvest ; the very Day those Prayers were to begin, and after the Church was full of People in Expectation of them, the Archbishop receiv'd an Order from Court not to proceed in the Ceremony, because (says the Order) it was not fit the Parliament should intermeddle in any such Affairs ; so that the People were obliged to return Home without any Blessing upon their Harvest, and thereby a very publick Affront was put upon the Parliament, which really seem'd to have been design'd, by the not sending this Order 'till it was so very late ; for suppose the Parliament had made a Mistake in granting such an Arret, the Court might easily have found Means to have got it recall'd, or to have countermanded it, without putting such an Affront upon their Arret, in the Face of so large an Assembly ; but in a Country where there is a numerous Standing Army, and the rest of the People unused to any Sort of Martial Discipline, and unprovided with Arms, the Court has no Occasion to keep any Measures, either with Parliament or People ; the Army is the Shield they trust to, and as long as they can keep up That, they may, and generally do, most heartily despise the other Two : While they do what they are bid, the Court will always keep well with them ; but if they, in the least Article, dare to disobey, they are then treated as they are thought to deserve, and are made to understand, in
the

the most publick Manner, how much they are despi-
fed.

The 14th of September following, the General Assem-
bly of the Clergy of France, having their President,
Cardinal *de Fleury*, at their Head, went in a Body to
wait on the King at *Versailles*; and as soon as they were
introduced with the usual Cèrémonies on such Occasions,
the Bishop of *Valence* made his Majesty a very remarka-
ble Speech in their Name, with which we here oblige
our Readers.

S I R E,

THEY are not the Great Ones of the Earth, and
the Powerful of the Age; they are the Pastors of
the Flock of *Jesus Christ*, his Embassadors and his Pon-
tiffs, who present themselves To-day before the Throne
of your Majesty.

If the Veneration of the People, if the Magnificence
and Piety of the Kings, your Predecessors, have made it
a Duty to adorn our Persons, and give Lustre to our
Sees; it is God that made us Bishops.

It is under that Sacred Character that we have the Ho-
nour to appear in your Presence. We do not appear in
it, Sire, but with the greatest Submission, Fidelity, and
Respect.

Our Consecration makes us but the more sensible of
what we owe, in Quality of Subjects, to the Supreme
Authority, established by God himself to govern us, and
of what is due from us as Bishops, to a great King, who
believes he does Honour to his Crown in honouring our
Character; to a King who is the Ornament of Religion,
of which we are the Ministers; to a Powerful King,
who makes Use of his Power to protect us.

This is, Sire, what becomes Bishops, to seek after
and praise their Sovereign: And this is what the Clergy
of your Kingdom, in separating, admire anew in your
Majesty: The World, attentive to your Destiny, im-
mediately saw you, like *Josias*, dedicating your first
Care, to the tranquil Government of your People.
To-day it sees you treading in the Steps of *David*, the
Conqueror of Nations, jealous of your Glory, crowning
the Valour of your Warriors, whom you have inspir'd
with Heroism. Soon it will see you, after the Example
of *Solomon*, stealing away from the Charms of Victory,
preferring the solid Advantages of Peace to them, and
rendering

rendering your People happy, after having made them triumphant.

As for us, Ministers of the holy God, sole Judge and Master of Kings, we have placed our Attentions on still more interesting Objects. We have had the Consolation to see you on the first Throne of the World, constantly opposing the Bounds of Duty to the Sallies of Youth; Moderation in your Desires, to the Liberty of doing every Thing; a Relish of Modesty, to Pomp and Grandeur; Gentleness and Mildness, to the darling Lustre of a Crown; and the Rules of Christianity, to all the Rocks and Shelves surrounding Royalty.

We see you, in the Course of a happy and successful War, rendering your own Empire formidable, and not less feared that of God; humbling your Enemies, and not elevating yourself; conquering Provinces, and yet keeping none of them for your own Aggrandizement; gathering Laurels, and regretting the Blood with which they are sprinkled; gaining Battles and desiring Peace; content to make yourself feared, that you may not be any more obliged to conquer, but have Leisure, in the rest of your Reign, to take the Pleasure of making yourself beloved, even by your Enemies.

What we have seen, we shall never cease to see. More faithful than *Jos*, to the Counsels of Wisdom, you will always be admired like that Prince while he continued the Restorer of the Tabernacle; the Delight of the People, and the Glory of *Joiada*.

Assembled together, under the Auspices of a Monarch so dear to Religion, what ought we not to have done to testify our Attachment to him? No, Sire, we find nothing too much in the Efforts of our Zeal; they are above our Abilities, and yet they do not equal our Sentiments. We have asked almost Impossibilities; and we wish'd to be able to do more.

Twelve Millions recently granted seem to have exhausted us; but Love, animated by Religion, discovers Resources which human Foresight could not perceive.

Our respectful Tenderness and Ardour to serve and please you, have not blinded us in the Nature and Destination of our Incomes.

It is Religion, Sire, Religion the most enlightened, that has served us as a Guide: It is she that taught us, that we owe the greatest Succours when the Glory of the State, and the Church, which is the first Member of it, is in Question: And especially in a Time when our

Altars

Altars call louder than ever upon the Authority of the Throne to protect them, we should believe it our Duty to defend the Throne even by the Spoils of the Altars.

If your vanquished Enemies still provoke you to continue the War, make Use of our Gifts to enable you to overcome. Conquer in Order to give us Peace, and we will employ the Days of our Felicity to restore the flourishing Condition of our Churches.

Pacificator of *Europe*, you will turn your Care towards Religion, and while the Wisdom of your Councils shall hold Discord in Chains, the Priesthood and Empire will cultivate a stricter Union together. We shall then see that Spirit of Subordination revive in the Sanctuary, which God has established in it, and the Divisions, which now afflict us, breathe their last at your Majesty's Feet. The stupendous Success of your Arms, which cost even Blood to the Conquerors themselves, will, through your Means, be succeeded by the Triumphs of the Church, which are always the Safety and Glory of the Conquered.

In Expectation of these happy Days, which the Benediction of Heaven and the Sentiments of your Heart are preparing for us, permit us to offer a Demand, so long renewed, and always so necessary, to hold Councils in our Provinces. We will solicit your Piety in Favour of the sacred Interests of the Church: We will put under your Protection the Dignity of her Pontiffs, and the Exercise of their Divine Ministry. These are the true Revenues of Bishops. You will always be the Defender of them, and, Sire, you will understand even our Silence.

It is really something diverting to hear the Clergy of *France* telling their King, that a Grant of 12,000,000 seems to have exhausted them; when, if they had paid the *Dixieme Denier* in Proportions, as the rest of the Subjects of that Kingdom pay it, they must have paid much more than double the Sum to the Government: This Tax, which in *France* is called the *Dixieme Denier*, is much the same with our Land-Tax, when at 2 s. in the Pound; the Meaning of the Word is, *The Tenth Penny*, or the Tenth of every Man's Revenue; and, as in the Year 1694, it was computed, that the Revenues of the Clergy of *France* amounted to 240,000,000, the Tenth Part of this, or 2 s. in the Pound, would amount to 24,000,000 of Livres yearly; but as all the

Estates

Estates in France are much improv'd since that Time, we may suppose the *Estates of the Clergy* are likewise improved, and their *Revenues* consequently increased; so that if they were to pay in Proportion with the other Subjects, they must have paid a great deal more than double this Sum, which they have the Assurance to say, even to the King himself, seems to have exhausted them.

Is it not amazing that a Set of Men, who contribute nothing by their Labour to the Riches of the Society, nor by their Courage to the Power or Defence of the Society, should meet with such an Indulgence in any Society, as to be excused for the Payment of less than one Shilling in the Pound Land-Tax, when all the rest of the Subjects pay at least two? Nay, even the Gentlemen of the Army, who are not only venturing their Lives, but spending their *Estates* in the Service of their Country, are obliged to pay full two Shillings in the Pound, while those lazy, those luxurious, those useless Drones, as most of them are, must be excused, nay must be thanked for paying less than one.

We shall finish this Article of *France* with a Transaction from Religion to Trade. At the late Sale of the *French East-India Company's Goods* at Port l'Orient in *Bretagne*, there was a great Concourse of foreign Merchants, besides large Commissions from foreign Parts, so that all their Goods sold at a very good Price, except the Coffee, which sold low, there having been too much of that Commodity imported last Year, by the several *East-India Companies* now set up in *Europe*: The whole Sale, 'tis said, amounted to near 30,000,000 of Livres, which is near a Million and a half *English*, being a Third more than any former Sale of that Company amounted to; and perhaps more than any Sale of our own *East-India Company* ever produced. The *French*, it seems, have not only trod upon our Heels, but out-run us in Trade.

G R E A T B R I T A I N .

WE gave an ample Detail, in Number 79, of his Majesty's indefatigable Vigilance and Care for re-establishing the general Tranquillity of *Europe*, and also the unpolite, if not insolent, Reception which the pacifick Plan offer'd by the maritime Powers, met with from the Ministers of the House of *Bourbon*; but as to what *Weight* our Negotiations had afterwards in bringing on the late Peace, we are still pretty much in the Dark; Time, indeed, may afford us some Light into that important Affair, but 'till we are furnished with better Materials than we have yet been able to procure, we must defer the Enquiry how far we are obliged to the Wisdom of our Ministers, for the present good Understanding and Harmony between the Courts of *Versailles* and *Vienna*. In the mean Time, how great an Affection the *French* have for the *British* Nation, and how seldom they let slip any Opportunities of shewing it, without the least Fear or Concern for our Resentments, will appear in the two following recent Examples.

About the Beginning of *April*, 1735, we received an Account that the *Bristol Merchant*, Capt. *Scot*, had met a *French Ship* of about 20 Guns, and 150 Men, off the *Western Islands*, bound from *Africa* to *Spain*, who hailed them, and order'd Capt. *Scot* to come on Board, but the Sea running high, the Captain would not venture to put out his Boat; and, upon his Refusal, the *Frenchman* fired a Six Pounder at the *English Ship*, which pierced her under the Cabbin Windows, and broke one of her upper Deck Beams: After which he fired four or five more Shot at her, which did a little Damage to her Rigging, and then boarded her, and demanded a Sight of the Captain's Paper's, and Bill of Health. They threatened at first to throw the Captain over board, but at last they thought fit to retire, without doing any further Damage to the Ship, or to any Person on Board. As the *Frenchman* had no Right to treat any *English Ship* in this Manner, it is to be hoped that Capt. *Scot* has got an Account of his Name, that we may insist upon having him punished in such a Manner, as may prevent any such Insults upon our Merchant Ships for the future. Perhaps we may then receive Satisfaction for this Insult, when our Merchants meet with a Reparation of the Damages and
Losses

Losses they have sustained by the *Spanish Guarda de la Costas*.

The next Affront was as followeth, and was the more insolent and haughty, inasmuch as it was given us almost at our own Door, and when we had two strong Fleets in Commission.

In May, 1733, Capt. *Steward*, a Commander of one of our Merchantmen, having taken in a Lading in the *Thames*, and being bound for *Holland*, was obliged to put in at *Dunkirk*, where he was to deliver some Goods: But as soon as he had done so, one of his Sailors was debauched from him, and enlisted for the Service of *France*. The Captain, surprized at so extraordinary a Proceeding, went immediately to the Commandant of the Admiralty at *Dunkirk*, reclaiming his Sailor, and complaining of the Violence offered to the Treaties between the two Crowns, especially the Treaty of *Utrecht*; saying, at the same Time, that he could not leave the Port without his Servant, and must be obliged to write to the Court of *Great Britain* if the Admiralty of *Dunkirk* refused him Justice.

But a Complaint made so much in the necessary Form, and with so much Respect to the Government of the Place, met with a very odd Reception; instead of the Justice required, Monsieur Commandant of the Admiralty of *Dunkirk*, sent the *English* Captain to Prison, and would not suffer him to be released, until he had first given the Sailor a formal Discharge under his Hand, and paid him the Wages he demanded, tho' he had not performed the Voyage. Against this arbitrary Treatment and Violence used to the Subjects of *Great Britain*, Capt. *Steward* made a Protest as soon as he recovered his Liberty, and also sent an Information of it to the Admiralty of *London*.

One who reads the Articles of the Treaty of *Utrecht*, may, perhaps conclude, that this Story cannot be true; because if the Port of *Dunkirk* had been as fully demolished as is required by that Treaty, and never restored, it would have been impossible for a Ship to get into the Harbour; yet this Story is vouched by a Gentleman now here, who was upon the Spot at that Time, and who declares, that Capt. *Steward's* Ship was actually in the Harbour, and he actually in the Prison; so that if ever a War breaks out between *France* and this Nation, we may probably find, by the Number of Privateers sent out from that Port, that either the Terms of the

I 2

Treaty

Treaty of *Utrecht* were never complied with, or that they have been since most scandalously broke through; and when *French Privateers* come to be daily carrying in *English Prizes* to that Port, surely no Man will attempt to prove to us, that the Port of *Dunkirk* was utterly demolished and never restored.

Besides the Fleet sent to *Lisbon* under the Command of Sir *John Norris*, we had then, or very soon after the following Ships in Commission, under the Command of the Admirals *Walton*, *Stewart*, and *Cavendish*.

	Guns.	Men.		Guns.	Men.
Blenheim	90	750	Stirling Castle	70	480
Newark	80	700	Montague	60	400
Lancaster	80	600	Canterbury	60	400
Dorsetshire	80	600	Plymouth	60	400
Somerset	80	600	Centurion	60	400
Devonshire	80	600	Exeter	60	400
Cornwall	80	600	Nottingham	60	400
Edinburgh	70	480	Tilbury	60	400
Monmouth	70	480	Windfor	60	400
Ipswich	70	480	Rippon	60	400
Lenox	70	480	Preston	50	300
Yarmouth	70	480	Portland	50	300
Northumberland	70	480			

And thirteen others, viz.

The *Torrington*, *Medway*, *Falkland*, *Shoreham*, *Kinsale*, *Blandford*, *Seaford*, *Gibraltar*, *Roebuck*, *Prince*, *Lyme*, *Lively*, *Portmahon*, and Sloops.

And as an additional Security to *Great Britain*, his Majesty had, towards the Close of the Year, 1734, made a Treaty with *Denmark*, consisting of ten Articles, viz.

I. That there shall be a perfect Amity and Union between their *Britannick* and *Danish* Majesties, their Successors, their Kingdoms, and their Subjects.

II. That all former Treaties between the two Crowns shall be deemed renew'd and confirm'd by the present Treaty.

III. That the King of *Denmark*, when required, shall furnish the King of *Great Britain* with 5000 Foot and 1000 Horse, which his *Britannick* Majesty shall take into his Pay for the Term of three Years.

IV. That

IV. That to provide for the Equipment of those Troops, the King of *Great Britain* shall give 80 Crowns for each Trooper, cloathed, mounted, and arm'd; and 30 Crowns for each Foot Soldier; one Half payable after signing the Treaty, and the other Half when those 6000 Men shall enter into the Service of his *Britannick* Majesty: That during the Time they remain in the Dominions of *Denmark*, the King of *Great Britain* shall pay his *Danish* Majesty a Subsidy of 250,000 Crowns a Year, but that Subsidy shall be reduced to 150,000 Crowns a Year, when those Troops pass over to the Service of his *Britannick* Majesty.

V. That the King of *Great Britain* shall conform to the Treaty of 1701, in Regard to the Extraordinary of the Troops, and the Expence of Recruiting.

VI. That his *Britannick* Majesty shall be at Liberty to employ those 6000 Men where he shall think fit, except in *Italy*, or at Sea; neither shall they be transported into *England*, except it be for the proper Defence of the Kingdoms of *Great Britain* and *Ireland*.

VII. That if the King of *Denmark* shall happen to be attack'd, his *Britannick* Majesty shall send him back those 6000 Men, in Case they happen to be at that Time in his Service; furnish him besides with all the Succours by Sea and Land, which the Circumstances may require; and continue those Succours 'till the Conclusion of the Treaty of Peace, which his *Britannick* Majesty shall endeavour to render as advantageous as possible to the King of *Denmark*. And his *Danish* Majesty enters into the same Engagements, on his Side, to the King of *Great Britain*, with this Condition, that the Subjects of *Denmark* shall preserve, during the whole Course of the present War, the full Liberty of their Trade with *France* and other Places, in the same Manner as in Times of Peace.

VIII. That the Performance of the Conditions of this Alliance shall take Place, in the Cases where either of the contracting Parties shall have been attack'd by Force of Arms, without having before hand committed any Act of Aggression.

IX. That this Treaty is for the Term of three Years.

And,

X. That the Exchange of the Ratifications shall be within two Months after signing the Treaty.

We shall close this Number with the Description of the magnificent Funeral of that hopeful and much lamented young Nobleman, the late Duke of *Buckingham*.

On the 12th of *January* 1735-6, at Night, the *Prince of Orange*, Capt. *Crocock*, arriv'd in the River, with the Corpse of the late Duke of *Buckinghamshire*, who dy'd at *Rome*, and on the Wednesday Evening following, the Corpse was brought on Shore, and in a solemn Manner, carry'd to *Buckingham-house*. Whilst the Body, over which a Velvet Pall was thrown, was removed into a cover'd Barge, 21 Minute Guns were fired from the Ship, the Cabbin of which was hung in deep Mourning, as was likewise the Stern. On *Tower-wharf*, where the Corpse was landed, there was a Hearse, three Mourning Coaches and six filled with Gentlemen, who were Relations to that noble Family, and ten of his late Grace's Domesticks in Mourning on Horseback, attending; the Corpse being then put into the Hearse, and attended by the above-mentioned Coaches and Servants, proceeded through the City, several Bells tolling as they pass'd to *Buckingham-house*, where they arriv'd about nine o'Clock at Night.

The following is the Account of the Ceremonial of his Grace's Funeral, given by the Gentlemen who had the Management of that Solemnity.

Feb. 3, 1735-6.

THE most high, mighty, and most noble Prince, *Edmund Duke of Buckinghamshire*, &c. lay publickly in State at *Buckingham-house*, on Monday, Tuesday, Wednesday, and Thursday last, in Manner following.

The Hall, hung in deep Mourning, was adorned with several black Sconces, Escutcheons, and Shields: Six Men with long Gowns and Staves were there waiting, to conduct the Company into the Vestible, also in deep Mourning; at the upper End of which, upon a *Haut-pis* of two Steps, was a Chair of State of black Velvet, two Gentlemen with white Scarves attending the same; and over the Chair of State was a Plume of white Feathers in the Form of a Ducal Coronet, and above it a Canopy of black Velvet, with Plumes of white Ostrich Feathers, intermix'd with Silk Pencils, on which were his Grace's Crest and Coronet. On the Right of the Chair stood a Bannerol of the Arms of *Sheffield* and *Darnley* quarter'd, and to the Left another Bannerol, with

with those of *Sheffield* and *Darnley* impal'd; a Majesty Escutcheon being fixed over the Chair, having his Grace's Arms within a Shield, a Ducal Coronet and Cap, with several Military Trophies issuing from the Shield. The Room was adorn'd with Tapers in large Silver Candlesticks, interspers'd with Escutcheons, &c. properly disposed: In the Middle of the Vestible was a large Chrysal Branch, lighted up after the same Manner.

Next was a Room hung with black Velvet; here three Arches were erected, cover'd with black Velvet, fringed and embellish'd with several Plumes of Ostrich Feathers, intermixed as above, and a large Chandelier in the Middle of the great Arch. Within these Arches was the Bed of State, on which the Body lay, in a Coffin of crimson Velvet, adorn'd with Silver Nails and Handles; a Plate of Inscription of his Grace's Titles, with Ducal Coronets gilt. A black Velvet Pall, adorn'd with Silk Escutcheons, lay over the Coffin; a crimson Velvet Cushion, fring'd and tassell'd with Gold, the Cap and Ducal Coronet being placed thereon, with the Helmet, Crest, Surcoat, Target, Sword, Gauntlets, and Spurs. These were within the Hall of State, which was hung with black Velvet, and on it several Plumes of white Ostrich Feathers, intermix'd with Silk Pencils. At the Head of the Bed was a Majesty Escutcheon of his Grace's Arms, Supporters, Cap, Coronet, and Crest; over which was rais'd a Canopy, whereon was painted his Grace's Arms and Coronet, with several military Trophies issuing from the Shield, ornamented in a peculiar Manner, fringed and valenced with black Velvet. Under the Canopy of State were fixed, the Standard, the Guidon, the Banner of his Grace's full Arms, eight Banners, attended by as many Gentlemen in white Scarves, during the Time the Body lay in State. Four of his Grace's Officers of the Household, holding white Rods, and in deep Mourning, with a Page, attended the Body. The Room was adorn'd with Escutcheons, Sconces, and large Silver Candlesticks, properly disposed.

The fourth Room was hung in deep Mourning, adorned with Silver Sconces, Escutcheons, Crests, and Cyphers, severally interspersed, and was for the Reception of the Noblemen who supported the Pall.

The last was a large Room hung as before, with several Escutcheons, Silver Sconces, and Crests, and was for the Reception of the Chief Mourner, the Supporters, and Assistant Mourners.

The

The back Stairs (being hung in deep Mourning, with black Sconces) led into the Court-yard, which was illuminated with white Flambeaux, carry'd by Men in Mourning, to reconduct the Company who enter'd at the great Gate.

Friday being the 30th of *January*, the Interment was suspended 'till Saturday, and was solemnized about two in the Afternoon, in the following Manner.

Six Men on Foot, in black Gowns, Caps, and with long Staves, headed with Ducal Coronets, his Grace's Crest and Badge being fix'd on their Arms. A Porter to the Office of Arms, his black Staff tipp'd with Silver, and furl'd with white Sarfenet. Six Men in black Gowns, white Scarves, with Staves, having his Grace's Crest fix'd as before.

A Kettle-drum cover'd with Mourning, with his Grace's Arms painted on Silk. Three Trumpets abreast in his Majesty's Livery, with Trumpet Banners of his Grace's Arms, Silk Hatbands, Scarves, Favours, and Gloves. Sixteen Gentlemen, two and two, on Horseback in Mourning, with Cloaks, Hatbands, Favours, and Gloves. *Rouge Dragon* and *Rouge Croix* Pursuivants at Arms, in their proper Habits, with white Scarves and black Cloaks. The Standard on a Lance, carry'd by Mr. *Withrington*, supported by Mr. *Peters* and Mr. *Trawton*, all with white Scarves, Silk Hatbands and Gloves. Eighteen Gentlemen on Horseback.

Three Trumpets, as before. *Portcullis* and *Blue Mantle* Pursuivants at Arms, properly habited, and as above. A Guidon on a Lance, carry'd by Mr. *Thomas Fiddleston*, supported by Mr. *Ragdall* and Mr. *Legg*, in the same Manner as the Standard. Mr. *Rogers*, his Grace's Secretary, in a Mourning Cloak, alone. Two of his Grace's Chaplains, viz. the Rev. Mr. *Trebeck*, and the Rev. Mr. *Garden*. Mr. *Foxen*, Mr. *Conolly*, Mr. *Welsted*, and Mr. *Adams*, Chamberlain, Steward, Treasurer, and Comptroller of the Deceas'd, with white Staves of their Office, in deep Mourning, abreast.

A Kettle-drum. Three Trumpets abreast. *Arundel* Herald. The Banner of his Grace's Arms on a Lance, carry'd by Mr. *Jones*, supported by Mr. *Neale* and Mr. *Boucher*. The chief Mourning Horse, cover'd with Velvet, embellish'd with his Grace's Arms, Crest, Coronet, and Supporters, with Plumades of white Feathers before and behind, led by two Grooms, attended by four Pages. The Spurs by *York* Herald. The Gauntlets by *Lancaster* Herald.

Herald. The Helmet and Crest by *Windfor* Herald. The Target by *Richmond* Herald. The Sword by *Chester* Herald. The Surcoat by *Norroy* King of Arms. Each of the Heralds being attended by two Pages in deep Mourning, with Velvet Caps, white Gloves and Favours.

The Body, lying as on the Bed of State, (with the Effigies of his Grace in his Coronation Robes, having a Gold Staff in its Right Hand, and under his Head a crimson Velvet Cushion, fring'd and tassell'd with Gold, the Feet resting on a gilded Boar, one of his Grace's Supporters) was carry'd in an open Chariot; Mr. *Willemin* and Mr. *Welfted*, two Officers of his Grace's Bed-chamber, bear-headed, and in close Mourning, sitting at the Head and Feet. The four Columns of the Chariot supported a black Velvet Canopy, which was adorned with Silver Lace, Fringe, and Tassels, and the Top embellish'd with several Plumes of white Feathers and Banners intermix'd. On the Inside of the Canopy was painted an Angel descending, and holding a Palm Branch in the Right Hand, and a Laurel in the Left, with Clouds, Cherubims, and several Trophies and Ornaments proper for the Occasion. The Chariot (the lower Part of which was covered with black Velvet, adorn'd with Shields, Escutcheons and Crests) was drawn by six grey Horses, caparison'd with Velvet, ornamented with Escutcheons, Crests, and Plumades, (intermix'd with Pencils) before and behind, and drove by her Grace's Coachman in deep Mourning. On each Side of the Chariot were four Gentlemen in Mourning, with white Scarves, Silk Hatbands, Favours and Gloves, each mounted on a white Horse, and carrying a Bannerol of the Arms of the Descent and Lineage of the Deceased, and attended by eighteen Pages on Foot, with black Velvet Caps and Truncheons; Mr. *Fiddes*, her Grace's Upholsterer, and Mr. *Purdy*, the Undertaker, (the two principal Managers of the Funeral) riding bareheaded before the Chariot.

Garter King at Arms, with the Staff of his Office, Director of the Ceremonial. Her Grace's Coach in deep Mourning, attended by six Pages on Foot.

His Grace the Duke of *Richmond*, chief Mourner, in deep Mourning, with the Collar of the Order of the Garter, and the Star of the Order upon his Cloak, in a Coach; Sir *William Saunderson*, his Grace's Train-bearer, sitting opposite to him. The Earls of *Middlesex* and *Portmore* (the latter with the Collar of the Order of the

K

Thistle,

Thistle, and the Star of the Order on his Cloak) as Supporters to the chief Mourner in the next Coach.

In five other Coaches the Duke of *St. Alban's* (having the Collar of the Order of the *Bath*, and the Star of the Order on his Cloak) with the Dukes of *Leeds*, *Marlborough*, and *Portland*; the Earls of *Winchelsea*, *Cardigan*, *Oxford*, and *Arran*; Lords *Gower* and *Bathurst*.

Two Mourning Coaches for the Reception of the Supporters of the Pall, viz, the Lord *Charles Noel Somerset*, Lord *Sidney Beauchamp*, Lord *Cornbury*, and Lord *Foley*, all in rich white Sattin Scarves, &c.

In twelve other Mourning Coaches followed the Right Hon. *William Pulteney*, the Hon. Mr. *Bathurst*, the Hon. and Rev. Mr. *Trevor*, the Hon. Mr. *Henry Bathurst*, Mr. *Hutcheson*, Mr. *Watkyn Williams Wynne*, Mr. *Shippen*, Mr. *F. Annesly*, Col. *W. Cecil*, Mr. *Morrice*, the Rev. Dr. *Walker*, the Rev. Dr. *Smith*, Mr. *P. Garden*, Dr. *Burton*, Dr. *Steward*, Capt. *John Morrice*, Mr. *Robert Garden*, with several other Gentlemen of Distinction too tedious to mention.

A Horse of Honour richly caparison'd with Silver, with Plumades behind and before, led by a Groom, assisted by two Grooms on Foot.

A great Number of the Coaches and six of the Nobility, &c. according to their several Precedencies and Degrees.

At each Coach Door was a Servant in deep Mourning.

The whole Procession went up *Constitution-Hill*, down *Piccadilly*, *St. James's-street*, *Pall-Mall*, *Whitehall*, and so to *Westminster Abbey*.

Being arriv'd at the West Door of it, the Conductors, with the Kettle-drums, Trumpets, and Horsemen, filed off to the Right and Left; those Persons only who bore the Standard, the Guidon, and Banners above-mentioned, and their Supporters, as also the Heralds, with his Grace's Secretary, two Chaplains, and his four white Staff Officers, and those who carry'd the Bannerols, entered the Church. The Chariot being drawn to the Door of it, the Body (with the Effigies upon it) was taken out of the Chariot and put upon a Bier, carry'd into the Church, and followed by the chief Mourner, his Supporters and Assistants: The Pall-bearers and others attending the Funeral, alighted out of their Coaches, the Organ playing during that Time.

Having all enter'd the Church, the Pall bearers having taken the four Silver Taffels at the Corner of the Pall,
the

the Prebendaries in rich Copes, and the Choir in Surplices, placed themselves after the great Banner, and before the Heralds who carry'd the Trophies, and sung the Sentence in the Office for Burial, *I am the Resurrection and the Life*, with the two succeeding Sentences, and continued singing 'till the Body was placed in K. Henry VIIIth's Chapel.

Garter King of Arms; the chief Mourner with his two Supporters, Sir William Saunderson bearing his Train; the ten Assistants; the Nobility according to their several Precedencies.

They proceeded in this Manner (the Abby being lighted with a great Number of Wax Torches) thro' the South Isle of the Church 'till they came near to the Choir, and then crossing into the North Isle, went up to Henry the VIIIth's Chapel, where the Body, with the Effigies, was rested on a Stand prepared for it in the Middle of the Arrea. During the whole Solemnity in the Church, and likewise in this Chapel, the Bannerols were held over the Body. The Effigies being taken off, the Body was put into the Vault belonging to the noble and ancient Family of the *Sheffields* in Henry VIIIth's Chapel, the Choir singing *Man that is born of a Woman*, and the three succeeding Sentences; and continued singing them 'till the Body was deposited in the Vault. Then the Lord Bishop of *Rocheſter*, Dean of *Westminster*, in his Cope, read, *Forasmuch as is hath pleased Almighty God, &c.* Afterwards the Choir sung *I heard a Voice from Heaven, &c.* The Service being ended, Garter King of Arms proclaimed the Stile of the Deceased; and then his Grace's Officers breaking their Staves, delivered the Pieces to Garter, who threw them in upon the Coffin.

During the Proceſſion, the High Conſtable in Mourning, in a white Silk Scarf, with a Favour, Hatband, and Gloves, holding the Staff of his Office, with fifty Petty Conſtables, having Hatbands, Favours, and Gloves, attended with ſeveral Beadles at the Weſt Gate of the Abby, to prevent any Diſturbance from the Populace; who, on the contrary, and to the Surprize of every one, behav'd with the utmoſt Decency; by which Means the Proceſſion went into the Church (as it had before paſſ'd through the ſeveral Streets) with the greateſt Eaſe and Regularity.

The first of these is the fact that the
the first of these is the fact that the
the first of these is the fact that the
the first of these is the fact that the
the first of these is the fact that the

The second of these is the fact that the
the second of these is the fact that the
the second of these is the fact that the
the second of these is the fact that the
the second of these is the fact that the

The third of these is the fact that the
the third of these is the fact that the
the third of these is the fact that the
the third of these is the fact that the
the third of these is the fact that the

The fourth of these is the fact that the
the fourth of these is the fact that the
the fourth of these is the fact that the
the fourth of these is the fact that the
the fourth of these is the fact that the

The fifth of these is the fact that the
the fifth of these is the fact that the
the fifth of these is the fact that the
the fifth of these is the fact that the
the fifth of these is the fact that the

The sixth of these is the fact that the
the sixth of these is the fact that the
the sixth of these is the fact that the
the sixth of these is the fact that the
the sixth of these is the fact that the

The seventh of these is the fact that the
the seventh of these is the fact that the
the seventh of these is the fact that the
the seventh of these is the fact that the
the seventh of these is the fact that the

T H E

Historical Register.

N U M B E R LXXXII.



THE Petition of the Six *Scotch* Lords, concerning illegal Methods and Practices in carrying on the Election of Sixteen Peers to represent the Peerage of *Scotland* in the present Parliament of *Great Britain*, has made so much Noise in the Kingdom, if not all over *Europe*, and is a Case of so interesting a Nature, that we shall give it, along with the Debates thereupon in the House of Lords, the first Place in this Number of our *Register*; as well in Regard to the Importance of so extraordinary an Event, and the Precedent it sets, as to comply with the earnest Desire of many of our Readers, for whose Entertainment we have continued and finished the whole Proceeding, without the least Intermixture of any other Matter.

G R E A T B R I T A I N.

Continuation of the Debates and Proceedings in the first Session of the present Parliament.

ON Thursday the 13th of February 1734-5, the following Petition was presented to the Right Honourable the House of Peers, by his Grace the Duke of B——d, viz.,

L

To

*To the Right Honourable the Lords Spiritual and Temporal
in Parliament assembled :*

The humble Petition of James Duke of Hamilton and Brandon, Charles Duke of Queensbury and Dover, James Duke of Montrose, Thomas Earl of Dundonald, Alexander Earl of Marchmont, and John Earl of Stair,

Sheweth,

THAT at the last Election for Sixteen Peers, to serve in this Parliament for that Part of *Great Britain* called *Scotland*, a Majority of Votes was obtained for the Duke of *Buccleugh*, the Duke of *Athole*, the Marquess of *Lothian*, the Earl of *Crawford*, the Earl of *Sutherland*, the Earl of *Moreton*, the Earl of *Loudon*, the Earl of *Finlater*, the Earl of *Selkirk*, the Earl of *Balcarras*, the Earl of *Dunmore*, the Earl of *Orkney*, the Earl of *Portmore*, the Earl of *Hopeton*, the Earl of *Ila*, the Lord *Cathcart*, and they were accordingly returned.

Your Petitioners, however, conceive it their Duty to represent to your Lordships, that several undue Methods and illegal Practices were used towards carrying on this Election, and towards engaging Peers to vote for a List of Peers to represent the Peerage of *Scotland*, such as are inconsistent with the Freedom of Parliaments, dishonourable to the Peerage, contrary to the Design and Intention of those Laws that direct the Election of the 16 Peers for that Part of *Great Britain* called *Scotland*, and such as may prove subversive of our happy Constitution ; Instances and Proofs whereof we are able to lay before your Lordships, in such Manner as your Lordships shall direct.

Wherefore your Petitioners humbly pray, that your Lordships will be pleased to take this important Affair into your most serious Consideration, to allow these Instances and Proofs to be laid before you, and to do therein as in your great Wisdoms shall seem most proper, to maintain the Dignity of the Peerage, the Freedom of the Election of Peers for that Part of *Great Britain* called *Scotland*, and to preserve the Constitution and Independence of Parliaments.

And your Petitioners shall ever pray. S. f.

*Hamilton and Brandon, Dundonald,
Queensbury and Dover, Marchmont,
Montrose, Stair.*

After

After this Petition was read, his Grace stood up, and moved for a Day to take it into Consideration; he would not positively fix upon any Day, but he would propose that Day Month, and that their Lordships might order those Persons, by whom the Petitioners thought they could prove their Allegations, to attend against that Day: In this Motion he was seconded by his Grace the Duke of M——gh.

As there was not any regular Debate this Day formed upon any one Question in this Affair, I shall therefore give a short Abstract of what was said by several noble Lords upon this Subject.

In Support of the Question, it was argued by the two noble Dukes who made and seconded the Motion, in Substance as follows, *viz.*

My Lords,

I Take it to be a constant and a certain Maxim of this House, never to reject the Petition of any Subject, or of any Number of Subjects, unless upon the very Face of the Petition there appears to be something very frivolous or impertinent; and upon all the Petitions I have observed presented to this House, there has always been a Day assigned, either for an Answer, or for the Petitioner to prove his Allegations, according to the Nature of the Petition. If it be a Petition against any particular Person or Persons, such as Petitions of Appeal, there is then a Day appointed for the Defendants or Respondents to answer; and a Summons is directed of Course to be served upon them for that End: If the Petition be to set forth any particular Grievances or Inconveniencies the Petitioner labours under, and from which he desires the Aid of this House to be relieved; such as Petitions for private Bills, the Petitioner has in such Cases a Day to prove the Allegations of his Petition, and for that End he has of Course the Aid of this House for summoning those Persons to attend, by whom he thinks he can prove what he has in his Petition set forth: If it be a Petition complaining of publick Grievances, in order to obtain a publick Law for the Redress of those Grievances, the Petitioner or Petitioners have then a Day assigned, for proving their Allegations, and they have of Course the Summons or Order of this House, commanding those Persons to attend, by whom they think they may prove the Facts, or the Grievances complain'd of.

Of this last Sort I take the Petition to be, which I have now had the Honour to present to your Lordships; and never was there, I believe, a Petition presented to this House, of greater Consequence as to the Subject Matter complained of, or as to the Quality of the Petitioners. The Complaint, my Lords, is of the highest Nature imaginable: It is a Complaint that nearly concerns both the Honour and the Dignity, nay, I may say, the very Being of this House; because, if there be good Ground for the Complaint, the Constitution of this Kingdom cannot subsist, the Liberties of our Country cannot long endure, if the Grievances complain'd of be not fully and speedily redressed. Then as to the Petitioners, let us consider, my Lords, who they are: They are Men of as high Rank as any Subjects in the Kingdom: They are Noblemen of equal Quality with ourselves in every Respect, except as to Seats in this House; and that they have perhaps been deprived of by the evil Practices of which they complain: But this they do not insist on; they do not come here to complain of any particular Injury done to themselves; it is their Regard for the publick Weal, their Regard for the Honour of this House, that has prevailed on them to become Petitioners to your Lordships.

I shall not pretend, my Lords, to say that the Facts complain'd of are true: That your Lordships are to determine after a full and strict Enquiry; but I am sure there is nothing frivolous or impertinent appears upon the Face of the Petition; and if we may judge from the Characters as well as Quality of the Petitioners; if we may judge from common Fame and publick Report; nay, if we may judge from some Occurrences not a great many Years ago, there is Reason to believe their Complaint is but too well grounded. All the Petitioners we know; some of them have had the Honour to sit in this House; and while they sat here, their Behaviour was such, that I am persuaded none of your Lordships will think that they would allow themselves to be imposed on by ridiculous Reports, or slight Surmises. I cannot therefore in the least suspect, that the Petition I have had the Honour to present will be rejected; and for this Reason, I think the only proper Motion I can make is, to appoint a Day, &c.

Lord O——w.

My Lords,

THOUGH it has always been the Practice of this House to receive Petitions from any Subject, which did not in themselves appear frivolous or impertinent, yet the Petition now presented to us is, in my Opinion, of such an extraordinary Nature, that it deserves the most mature Deliberation: It is a Petition, by which several Lords, who are Members of this House, are charged with illegal Practices; and as such a Charge must throw a very great Scandal upon them, I therefore think your Lordships ought well to consider, before you resolve to give it so much Countenance, as to appoint a Day for taking it into Consideration.

Upon this the L—d Ch——r rose up, and acquainted the House, That the Petition did not charge any Lord in that House with undue or illegal Practices; it contained only a general Charge, that some such Practices had been made Use of at the last Election of Sixteen Peers for *Scotland*, but did not say by whom.

The Earl of Ch——ey.

My Lords,

THOUGH the Petition now before us does not charge any Lord in particular with any undue Practices; yet it must be granted, that in its Consequences it will affect a good many Lords of this House; for it expressly charges, that no less than Sixteen Lords of this House were chosen by such Practices, and have thereby got Seats in this House; so that by the Consequences of this Petition, every one of these Sixteen may come to lose the Seats they have now the Honour to have in this House: For this Reason therefore, my Lords, as well as on Account of its being a Petition of a very new and a very extraordinary Nature, I think your Lordships ought to take some Time to consider of it, before you order any Person to attend on Account of the Matter contained in the Petition.

The Duke of N——le.

My Lords,

THE Petition now presented to us is so new in its Kind, that I really do not know whether we ought to receive it; nay, I do not know if we have a Power to

to receive it. There was, indeed, since the Union, one Petition presented to this House, complaining of an undue Election and Return of one of the Sixteen Peers for Scotland, and this House did accordingly proceed upon the Petition, and did determine the Right of Election: But in the Petition now before us, there is no direct Complaint either against the Election, or the Return of all or any one of the Sixteen Peers last chosen for Scotland, and therefore I cannot at present pretend to give my Opinion how we can proceed upon it. As I have not the Journal now before me, which contains the Proceedings of this House upon the last Petition from Scotland, I cannot tell what Method was then observed; but if I had, I doubt much if it could be of any Use, because of this Petition's being very widely different from the former: Therefore, my Lords, I must think that the most prudent Method for us to take, is to appoint a short Day, as short as you will, to consider of what is proper to be done, before you appoint a Day, either for entering into the Merits of the Petition, or for examining any Witnesses in Relation to the Facts therein complain'd of. For this Reason I shall move your Lordships to resolve, to take this Petition into your Consideration on this Day Se'nnight.

To this it was answer'd by the Earl of Ch——ld, and after him the Lord B——st.

THAT as to the Petition's being in its Nature something new and extraordinary, it was not at all to be wonder'd at, because the Facts to be complain'd of were such as could be committed only since the Union of the two Kingdoms. Whether any such Practices had been used since that Time, and before the present, they would not take upon them to determine; but if ever any such had been used, no Man had before had publick Spirit enough to complain of them, and therefore they were the more obliged to the noble Peers who had now given themselves that Trouble: That to them it seemed very extraordinary to question, whether that House had a Power to examine into any Grievances that could be complain'd of by any Subject? But it appeared still more extraordinary to make such a Question, when the Complaint was made by some of their own Number, and in Relation to an Affair, in which the Honour and Dignity of that House was chiefly and primarily concerned:

That

That for this Reason it was not to be doubted, but that they had not only a Power, but that it was their Duty to enquire into the Matters complained of, and to sift them to the Bottom; and they hoped no Regards nor Pretences would prevent their doing so. However, they would in general agree with the noble Duke as to the first, appointing a short Day; for they did not doubt, but that the more the Affair was consider'd, the more every Lord in that House would think himself bound, both in Honour and Duty, to enquire into it: But they thought the Resolution ought to be put in Words different from what the noble Duke had been pleased to propose; and therefore they thought the Motion ought to be, That they would upon that Day Sev'nnight take into Consideration, the Methods how to proceed upon the Petition then presented to them.

The L—d C——r.

AS to the Power or Duty of this House, in Relation to the Petition now before us, I cannot really, upon so short a Deliberation, freely declare my Opinion; and as there are some other Lords, who seem to be in great Doubt about this Question, I must think the Motion made by the noble Duke near me, the most proper, because of its being the most general; and as it does not determine the Question one Way or other, I cannot but think it quite unnecessary to make any Dispute about it, therefore I hope your Lordships will agree to it.

Upon this, the Question proposed by the Duke of N——le was agreed to without dividing; and it was accordingly resolved, That that House would, upon that Day Sev'nnight, take the Petition into Consideration: After which it was order'd, that the Lords should be summon'd to attend upon that Day. Accordingly, on Thursday the 20th, the Order of the Day being read, his Grace the Duke of B——gh, and after him the Duke of A——l stood up, and took Notice, That the Petition they were then to take into their Consideration, was conceived in such general and indefinite Terms, that they could not, from the Words of the Petition, determine, whether or no the Petitioners designed to controvert, or to object against the last Election of the Sixteen Peers, to represent the Peerage of Scotland in that House; and as their Right to their Seats in that House, depended upon the Regularity of that Election, they hoped
their

their Lordships would take Care to have that Point clear'd up, before they proceeded any farther on that Petition, or at least before they proceeded to the Examination of any Witnesses.

This brought on a Motion, ' That the Consideration
' of the Petition should be adjourned to a short Day, and
' that the Petitioners should be ordered to declare again
' that Day, whether they intended to controvert the last
' Election of all the Sixteen Peers, to represent the Peers
' age of *Scotland* in that House, or the Election of any,
' and which of them.

In Support of the Motion it was argued thus :

My Lords,

THE Petition now before us is, in my Opinion, conceived in such vague and general Terms, that it is impossible to determine, whether the late Election, with Respect to all or any of the Sixteen Peers last returned, is to be attacked or not ; and it is as impossible to determine, whether any and what Persons are to be accused, by the Complaint exhibited to us in this Petition ; so that I cannot determine, and I believe no Lord in this House can, whether we are to proceed on this Affair in our legislative or in our judicial Capacity. If any undue or illegal Practices were made Use of, in procuring the Election or the Return of all or any of the Sixteen Lords from *Scotland*, now in this House, surely that Election or Return must be void, and the Peers of *Scotland* must proceed to a new Election. In this Case, your Lordships are certainly to proceed in your judicial Capacity ; and as the Right of private Persons is to be brought into Question, as the Right of no less than Sixteen Lords to their Seats in this House, is to be examined into and determined, the Affair now before us is then to be consider'd as a Cause, and I hope your Lordships will proceed in it with the same Justice and Impartiality, and with the same Regularity which you observe in all other Causes. The Sixteen noble Lords now in this House, must then be consider'd as the Defendants or Respondents ; and I hope your Lordships will never proceed in any Cause to examine Witnesses for the Petitioner only ; if we are to examine any Witnesses against the noble Lords now in this House, I hope you will give them proper Notice, and examine likewise such Witnesses as they may think proper for their Justification.

Though

Tho' I cannot, my Lords, from the Words of the Petition determine, whether any particular Persons are to be accused, yet, from the Nature of the Case, I must think, that it will necessarily end in an Accusation against particular Persons; for if there have been illegal Practices, there must have been illegal Practisers, and those Practisers must have been guilty of a very high Misdemeanor. In this Case likewise your Lordships are to proceed in your Judicial Capacity; and in that Way, I hope, you will never proceed to examine Witnesses against any Man, without having first called the Party accused before you, without having given him Notice of the Crimes laid to his Charge, or without giving him an Opportunity both to cross-examine the Witnesses that are brought against him, and to bring what Witnesses he may think proper for his Vindication; so that I do not see how you can proceed in the Affair now before you, 'till the Petitioners declare, whether or no they intend to challenge or impeach the Election of all or any, and whom, of the sixteen Peers last chosen, and have particularly named the Persons who were guilty of the undue and illegal Practices of which they complain.

If any Suitor in any of the Courts below, should petition this House, and complain in general of undue Methods and illegal Practices made Use of in any Court below, without naming any Person who had been guilty of those undue Methods or illegal Practices, I believe your Lordships would not so much as receive or give any Countenance to such a Petition; but in the present Case, your Lordships have received the Petition, and, in my Opinion, you are in the Right, not only to receive it, but to take all proper Methods to get at the Bottom of the Complaint, both because of the Dignity of the Petitioners, and because the Matters complained of may affect the Honour and Dignity of this House; yet still, my Lords, I hope you will proceed in it in such a Manner, as not to do Injustice to any private Man, and so as not to load the Innocent with even the Imputation of a heavy Crime.

In all Cases of Evidence, the Witnesses must be examined as to particular Facts, and likewise as to particular Persons; and those Persons, as well as Facts, the Judges must be fully inform'd of, before any Witnesses are brought before them to be examined. I believe, my Lords, it was never yet known that any Court of Judicature proceeded to examine Witnesses, without having

first the particular Facts laid before them which were to be proved by the Witnesses, and likewise the Persons Names against whom the Witnesses were to prove those Facts. This is a Rule which must be observed in all Courts of Judicature, otherwise they can never know what they are about ; and therefore, if your Lordships are to proceed upon this Affair in your Judicial Capacity, which I think you must, you cannot regularly proceed to examine any Witnesses, 'till you know the particular Facts those Witnesses are brought to prove, and the Names of the particular Persons against whom those Facts are to be proved, without which I cannot comprehend what Use you are to make of the Proofs that are to be laid before you, or for what End you are to put a great many Gentlemen, and for what I know, Noblemen also, to the Expence and Trouble of coming a great many Miles to be examined as Witnesses at the Bar of this House.

I am, my Lords, as much as any Lord in this House, for making a most strict Enquiry into the Matters complain'd of by the Petition now before us ; and, for this Reason, I am for our taking such previous Steps as may enable us to proceed with Certainty, Ease, and Satisfaction to ourselves, without doing an Injury to any innocent Man ; for if we proceed to examine Witnesses before we have fix'd upon the particular Matters as to which those Witnesses are to be examined, I foresee that we must involve ourselves in Difficulties, which we shall find altogether inextricable ; and as the Right of the sixteen noble Lords who now sit in this House as the Representatives of the Peerage of *Scotland*, is the chief Thing to be consider'd, I think the Petitioners ought first to declare, whether or no they intend, by their Petition, to challenge or impeach that Right.

To this it was answer'd, in Substance as follows, *viz.*

My Lords,

THE Petition now before us is general, and it ought to be so : It is not a Petition relating to any private Right ; it is not a Petition complaining of any private Injury ; it is only in the Nature of a general Complaint against some illegal Practices, supposed to have been made Use of at the last Election of the Sixteen Peers for *Scotland*, which the Petitioners think of the utmost Consequence to the Honour and Dignity of this House, and to the Freedom and Independency of Parliament ;

liament ; these Practices the Petitioners have got some imperfect Accounts of, and by the Accounts they have got of them, they seem to be of such a heinous Nature, and attended with such dangerous Consequences, that they, as Peers of *Great Britain*, as Subjects of a legal and (as yet) free Government, thought themselves obliged to inform this House of what they had heard, and of the Witnesses by whom they think those deep and dark Practices may be made appear ; well knowing, that if there were really any such Practices, the Power and Authority of this House, if exercised as it ought to be, and I hope as it will be upon this Occasion, may make up the Deficiencies of the Informations they have had : As the Practices they complain of, are of the most heinous Nature, they must certainly have been carry'd on in the most hidden Manner ; and therefore it cannot be supposed that the Petitioners, or that any Man in a private Capacity can have such a full Information of them, as to charge the Facts, or accuse the Persons particularly ; but upon the Examination at the Bar of your Lordships House, of such Witnesses as they shall desire to be examined, the iniquitous Mysteries may probably come to be revealed, both the Facts and the Persons may be particularly brought to Light, and then I doubt not but your Lordships will take such Methods as the Law directs, in Order to punish the Guilty, to vindicate the Honour and the Dignity of this House, and to preserve the Freedom and Independency of Parliament. This is what the Petitioners sue for, this is what the Nation expects, and I think the Petitioners have taken the most proper Way, the only Way they could take, to lay this important Affair before your Lordships.

I am surpris'd, my Lords, to hear it said, that the Affair now before us can, in any Light, be looked on as a Cause, or that it ought to be treated as such. Do the Petitioners come here to complain of any Violation of their own particular Rights ? Do they complain of any Injury offer'd to them, or either of them in particular ? No, my Lords, their Complaint proceeds from a more generous Motive ; their Complaint is against a general Grievance, and therefore, if the Affair now before us is to be looked on as a Cause, it must be looked on as the Cause of our Country and Constitution : If any Injury has been done, it is to the Constitution that Injury has been done, and it is to the Constitution that Redress must be granted ; but whether that Redress is to be

granted by punishing those that shall be found to be guilty, or by making a new Law to prevent such Practices in Time to come, or by both, is what cannot now be determined.

I shall readily agree, my Lords, that if there were any illegal Practices, there must have been illegal Practisers; but 'till you come to examine Witnesses, you can discover neither, and even after you have examined all the Witnesses you can, after having made as strict an Enquiry as possible, the Practices may have been carry'd on in such a hidden and such a subtil Manner, that even your Lordships may not be able to fix them upon any particular Person, tho' at the same Time it may appear evident, that some illegal Practices have been made Use of: In such a Case, what are your Lordships to do? Surely you are not to leave the Honour of this House, and the very Being of our Constitution, exposed to the same illegal Practices at the next Election: You are not to neglect to repair a Breach made in your House, because you cannot discover the Thieves that made it. You are certainly, in such a Case, to contrive and pass some proper Law, for preventing such Practices for the future. But on the other Hand, if the Practisers as well as the Practices, should luckily be discovered by the Enquiry your Lordships are to make, you will then certainly order a Prosecution to be carry'd on against the Persons found or suspected to be guilty; those Persons will then become Defendants, not to this Petition, but to the Prosecution that shall then be ordered against them; and upon that Prosecution they must of Course have an Opportunity to bring Witnesses in their own Justification, and to cross-examine such Witnesses as shall then be brought against them.

As to the Right of the sixteen noble Lords, who have now the Honour to have Seats in this House, I hope it will not be impeached by any Proof that can be brought upon this Occasion, and therefore I wonder that any of them should shew the least Jealousy or Apprehension on any such Event; but suppose, my Lords, that in examining the Witnesses that are to be brought before you, some Things should appear that might tend towards invalidating the last Election, and consequently their present Right to their Seats in this House, surely your Lordships will not, upon such an Examination, immediately proceed to declare the late Election void. You must then of Course appoint a Day to examine into the

Merits

Merits of the late Election, and then, and not till then, the noble Lords who are now in this House by Virtue of that Election, will become Defendants, not to this Petition, but to the Enquiry that shall then be order'd into the Merits of their Election; and upon that Occasion your Lordships will certainly proceed with your usual Justice, and consequently will give them all the Time and Opportunity they can desire, for defending their Right, either by employing Counsel to plead for them, by bringing such Witnesses as they may think proper for supporting their Election, or by cross-examining all or any of the Witnesses that shall be brought against them; for the Witnesses who are examined upon this Petition, must be all re-examined, when your Lordships come to enquire into the Merits of the late Election, if it shall become necessary, which I hope it will not, for this House to make any such Enquiry.

I cannot pretend, my Lords, to any great Knowledge in the Law, and much less to a thorough Knowledge of the Forms of *Westminster-Hall*; but I must say, and I am sorry to say, that I think your Lordships are, upon this important Occasion, falling too much into the Forms of the Courts below: It is well known, that a great Part of their Time is taken up in debating and arguing about the Forms and Methods of Proceeding, by which the principal Affair in Dispute is often delay'd, and not seldom entirely dropp'd; and the Debate we are now on, I must consider as a Debate of the same Nature: This is not your Lordships usual Way of Proceeding; and when an Affair is brought before you, which directly and immediately concerns the Honour and Dignity of this House, I am surpris'd to hear any Debate about the Methods how we shall proceed to enquire into it; and I am still more surpris'd to hear it said, that we must never examine any Witnesses, unless we first know the particular Facts to which they are to be examined: This would be, indeed, tying us down to Forms in the strictest Manner, nay, in a more strict Manner, in my Opinion, than any Court of Common Law; for, I think, I have heard of a Form or Method of Proceeding in those Courts, which they call pleading the general Issue, and giving the Special Matter in Evidence; in which Case, if I am rightly informed, none of the particular Facts, to which the Witnesses are to be examined, are laid before the Court; nor does the Court know any Thing of the Questions that are to be put to them, 'till they

they come to be examined, and then only the Court is to judge, whether the Question that is put, has any Relation to the General Issue then before the Court : But the Affair now before us is no Trial, as this House was never supposed to be confined to the Rules or the Forms of inferior Courts, and as I am very little conversant with such Forms, I shall say no more on this Subject.

But, my Lords, though I am very little acquainted with the Forms or the Manner of Proceeding in the Courts below, yet I hope I know something of the Methods of Proceeding, as well as the Power and Authority of this House, and therefore I am not a little surpris'd at the Motion now made to us ; for I cannot comprehend the End for which it is designed, or the Purpose it can serve : That the Petitioners should declare, whether or no they intend to challenge or impeach the Election of all or any, and which of the Sixteen Peers last chosen. For God's Sake, my Lords, what will this Declaration when made, signify ? Is this House to be confined, in any Way restrained by any Declaration the Petitioners can make ? Suppose they should declare, that they do not intend to challenge or impeach the Election of all or any of the Sixteen Peers last chosen, are we, when we come to examine Witnesses upon this Petition, to be told, we must not ask such a Question, or such a Question, because by the Answer to that Question, the Election of the Sixteen last chosen, or of some of them, may be brought into Dispute, or impeached ? Surely it is not intended that we should be in this Manner confined by any Declaration the Petitioners can make ; and if we do examine Witnesses upon this Petition, with a full Liberty to ask all such Questions as may tend towards discovering any illegal Practices that may have been made Use of, suppose upon that Examination, such Facts or such Practices should appear, as must evidently tend towards rendering the late Election void, is this House to be circumscribed by any Declaration the Petitioners can make, so as that it shall not be in our Power to proceed in a regular Way to declare that Election void ? I hope, my Lords, no such Thing will be pretended ; and therefore, as such a Declaration, when obtained, can signify nothing, I hope an Affair of so much Consequence to the Honour and Dignity of this House, and to the Freedom and Independency of Parliament, will not be delayed upon that Account.

To this it was said, by Way of Reply.

THAT they would readily grant, that that House was not to be circumscribed, or any Way interrupted or confined by any Declaration the Petitioners could make; but as such a Declaration could do no Harm, or any Way retard the Enquiry their Lordships were to make, and as it would be a Satisfaction to the Sixteen noble Lords then in that House from *Scotland*, and had been expressly desired by some of them, they hoped the House would agree to the Motion, especially as it could not occasion any great Delay, because the Petitioners could in a very short Time, or perhaps immediately, make such a Declaration as was desired; and therefore they would move, That the further Consideration of the Petition should be adjourned but 'till next Day, and that the Petitioners should against that Time declare, whether or no they intended by their Petition, to controvert the Election of all or any, and which of the Sixteen Peers last chosen, to represent the Peerage of *Scotland* in that House.

Any further Reply in this Affair was prevented by the Duke of *B* ——'s standing up and acquainting the House, That since the Beginning of that Debate, he had been with the Petitioners, and that they had empower'd him to make the Declaration propos'd, and that, for his greater Security, he had taken it down from the Petitioners in Writing, which, if their Lordships pleased, he would read to them; so that there was no Occasion to adjourn the Consideration of the Affair one Moment on that Account.

This occasioned a new Debate, in which the Lord *B* ——*st*, the Earl of *C* ——*ld*, and the Earl of *A* ——*n*, insisted, That the Declaration, as propos'd by the noble Duke, was sufficient, and that the Order propos'd might be enter'd in their Journals; after which it might be enter'd, That in Pursuance of the said Order, the Duke of *B* ——*d* stood up, and by Virtue of a Power from the Petitioners, and in their Names made the following Declaration; and then enter'd the Declaration propos'd to be made by the noble Duke; this, they said, they thought the House could not well refuse, because the Refusal would really look something like doubting the Honour of the noble Duke, for whom,
they

they were persuaded, every Lord there had the greatest Esteem; it would look like doubting, whether he had a sufficient Authority to make such a Declaration, after he had declared he had Authority for so doing. This was opposed by the Lord *H——ck*, and the Duke of *N——le*, who professed the greatest Esteem for the noble Duke, but they did not think it would be regular to receive a Declaration in that Manner, in an Affair of so very great Importance: And at last the Lord Chancellor having declared, That he did not in the least doubt the Honour of the noble Duke, nor his having a sufficient Authority for what he proposed; yet, as the Affair had been brought before them by a Petition signed by the Six noble Peers, he thought the most proper and the most regular Way would be, to have the Declaration proposed signed by them likewise; and as it would occasion a Delay but of one Day only, he hoped the House would agree to it. Upon this, the Question was put for adjourning the Consideration of the Petition 'till next Day, which, upon a Division, was carry'd in the Affirmative, without Proxies, by 90 to 51.

The Question was next put upon the Motion above mentioned, which was agreed to without a Division.

After this, it was proposed to adjourn, but the Earl of *A——n* stood up, and said, That as their Lordships had already gone a little into the Forms of *Westminster-Hall*, he hoped they would go a little farther: They had made an Order, and, he believed, they intended the Petitioners should comply with that Order, therefore he thought they ought to take some Method to give the Petitioners Notice of the Order they had made.

Upon this the Earl of *Ch——y* said, That he thought there was no Necessity for any such Notice, because the Orders of that House, like Acts of Parliament, stood in no need of any Notification or Publication: they published themselves, and the Parties concerned were obliged to take Notice of them. — But the Lord *B——st* shewed, That no such Thing was to be presumed, as appeared by their constant Practice in all Causes; and as some Lords seemed to be fond of looking upon the Affair then before them as a Cause, therefore he would move, That the Lord Chancellor should be directed to write Letters to the Petitioners, giving them Notice of the Order their Lordships had made.

The Lord Chancellor said, That he should be ready to follow their Lordships Directions, but desired to know,

if he should write one Letter to the Petitioners jointly, or a particular Letter to each of them separately; and some Lords having proposed one Letter to the Petitioners jointly, the Earl of *A——n* stood up and said, That he did not before then know that the Petitioners were a Corporation, which their Lordships seemed inclined to make them, by proposing to send a Letter to them jointly; whereupon it was agreed, that a separate Letter should be sent to each; and Directions were given to the Lord Chancellor accordingly.

The Motion for the Declaration above mention'd was made by the Lord *H——ck*, and supported by the Earl of *Ch——y* and the Lord *H——y*; and it was opposed by the Duke of *B——d*, the Earl of *S——d*, and the Earl of *A——n*.

Next Day, the Order of the House being read, for taking this Petition into Consideration, the Lord Chancellor acquainted the House, that two of the noble Lords, the Petitioners, had been with him, and had brought him a Declaration in Writing, signed by every one of them, in Obedience to their Lordships Order the Day before, which Declaration was read to the House, and was as follows, *viz.*

IN Consequence of your Lordship's Order of Yesterday, signify'd to us by the Right Honourable the Lord High Chancellor, We your Lordships Petitioners do declare, that by our Petition we did not, nor do intend to controvert the Election or Return of the Sixteen Peers for *Scotland*, mention'd in our said Petition, or of any of them: But we intended, as we thought it our Duty, to lay before your Lordships, the Evidence of such Facts and undue Methods, mentioned in general in our said Petition, as appeared to us to be dangerous to the Constitution, and may in future Elections equally affect the Right of the present Sixteen Peers, as that of the other Peers of *Scotland*, if a proper Remedy be not found out; as we had before empower'd his Grace the Duke of *Bedford* to inform your Lordships.

*Hamilton and Brandon,
Queensberry and Dover,
Montrose,*

*Dundonald,
Marchmont,
Stair.*

After the Reading of this Declaration, a Motion was made, ' To adjourn the further Consideration of the Pe-
N ' tition

‘tition ’till that Day sev’nnight, and that the Petitioners might be ordered to lay before the House, against that Day, in Writing, Instances of those undue Methods and illegal Practices upon which they intended to proceed, and the Names of the Persons they suspected to have been guilty of such undue Methods and illegal Practices.

The Argument in Favour of this Motion was in Substance thus :

My Lords,

WHEN I first heard this Petition read, I was of Opinion with other Lords, that it was conceiv’d in such general and indefinite Terms, that it was impossible for this House to proceed upon it, without involving ourselves in Difficulties which we should find insuperable ; but now I have heard this Declaration read, I am further at a Loss than ever, to know what is meant or intended by the Petition. When I first heard it read, I did, indeed, imagine that the noble Lords, the Petitioners, did intend to impeach the last Election of the Sixteen Peers, chosen to represent the Peerage of Scotland in this House ; and as the Right of those Lords was to be impeached, I thought it was reasonable that the Design and Intention of the Petitioners should be expressed in clear and distinct Terms, therefore I was for their making such a Declaration as was then order’d : But by their Declaration now read to us, I find they have no such Design or Intention ; so that I really cannot now comprehend, or so much as guess at what they would have us to do upon the Petition they have presented, unless their Design be to impeach or accuse some particular Persons, of Crimes which I take to be of a very high Nature ; and if that be their Intention, surely the Persons Names they design to impeach ought to be particularly expressed, and those Persons ought to be informed of the particular Crimes which are laid to their Charge.

An Accusation is not, ’tis true, a Condemnation, but, my Lords, it must be granted, that a Man’s Character suffers even by an Accusation ; and though he may be afterwards, upon a full and impartial Trial, acquitted, yet it seldom happens that the Scandal thrown upon his Name by the Accusation, is entirely wiped off by his being acquitted ; and in the mean Time, during the whole

whole Time that intervenes between his Accusation and his Trial, he labours under an Imputation, which your Lordships must allow to be a very great Misfortune. It is certain, my Lords, that every Man ought to have a very great Regard to his Honour, and his Character in the World; it is what the meanest Creature in Life ought to be extremely jealous of, and much more those, who, by their Birth or their Fortune, are placed in a superior Station; and therefore I hope your Lordships will always be cautious of going in rashly to any Measure, by which the Characters of private Men may be very much injured. In the present Case, I think it is evident, that the Characters of some private Men must be attack'd by any Proof that can be laid before you, in Relation to this Affair: The Characters of some Men must suffer, and those not of mean Rank in the World; they must be Persons in eminent Stations: Therefore I hope your Lordships will not, upon general Suggestions, and without any determinate Aim or Design, proceed to examine Witnesses in a Case, where the Characters of particular Men, the Characters of Men eminent in their Stations, will certainly be greatly injured.

It is a Maxim, my Lords, establish'd by the Reason of Things, as well as by the Practice, I believe, of all the Judicatures in the World, never to examine any Witness, when by such Examination a private Man's Character may be blasted, without giving that Man an Opportunity, at the same Time, to vindicate his Character against any Aspersions that may be thrown upon it by that Examination: In such a Case it is not sufficient to say, that the Man whose Character has been blasted, shall afterwards have an Opportunity to vindicate it, by being brought to a fair and impartial Trial; for, in the mean Time, he must labour under an Imputation; and it is a Misfortune for a Man to be exposed to any scandalous Imputation for a Day, nay, for a Moment: There may, perhaps, be a real, an honest Intention, to afford him a speedy Opportunity for his Justification; but that Intention may be Disappointed, he may die in the mean Time, and then his Memory will be loaded with that Imputation for ever; some of the Witnesses by whom he might have cleared up his Character, may die in the mean Time, or may depart out of the Kingdom, many other Accidents may happen, which may put it entirely out of his Power to vindicate himself, though he be altogether innocent of what has been

laid to his Charge ; and therefore it is absolutely necessary to give a Man an Opportunity of vindicating himself at the same Time and in the same Manner he is accused.

Another Maxim, my Lords, as reasonable, and as uniformly observed, is, that no Witnesses are ever to be examined against any Man, without giving him an Opportunity to be present, to cross-examine the Witnesses, and to take Care that no leading Questions may be put to them ; for when Witnesses are examined, *ex parte*, they may vent their Spleen, or satiate their Revenge against private Men, by swearing falsely against them, with much more Ease than when examined in Presence of the Party accuse, and cross-question'd upon every Fact and every Circumstance they relate ; a Fact may appear criminal by their general and confused Way of relating it, which would have appeared quite otherwise, if the Party had been present, in Order to put the proper Questions for making them explain themselves ; and by artful leading Questions, they may be induced to affirm Things as consiting with their Knowledge, which they would never have affirmed, or perhaps mentioned, if the Party accused had been present, to prevent any such leading Questions being put to them ; and in this last Case, the Danger of the Inconvenience is the greater, that when a Man is once induced to affirm any Thing for Truth upon Oath, even tho' it be, perhaps, but by Way of Information or Preparation for a Trial ; yet when the Trial comes on, and that Man is again examined, as a Witness against the Prisoner or Party accused, he thinks himself in Honour obliged to stand by and confirm what he has before been induced to declare upon Oath ; and against that Time, will, very probably, be so well prepared, that it will be impossible to discover his Perjury by any cross Question : Thus, my Lords, it must appear to be extremely dangerous to examine Witnesses in any Case, where a Man's Character may be brought in Question, without having him present at such Examination ; but to examine Witnesses, without knowing what, or against whom you are to examine them, especially in a Case where the Characters of Men of the highest Stations may very probably be attack'd, is, in my Opinion, a Method of Proceeding, not only dangerous, but altogether unprecedented.

I shall not pretend, my Lords, to be a great Master of Precedents, but I do not remember to have heard that there

there was ever such a general Accusation brought into this House as the present: Even in Impeachments, in Acts of Attainder, and all the Parliamentary Proceedings I have ever heard of, some particular Facts are always charged, and those Facts are likewise charged against particular Persons. I do not know that there was ever any Complaint made to this House of illegal Practices in general, without mentioning so much as one particular Fact, or one particular Person; but that we must find out the particular Facts, as well as the particular Persons guilty of those Facts, and that we must for that Purpose enter into a long Examination of Witnesses, and put People to the Trouble and the Expence of coming, perhaps, from the remotest Parts of his Majesty's Dominions, to be examined about we know not what, and against we know not whom: This ought not, I think, to be done. I shall always be ready to agree to hear the Complaints of any Subject, when made in any proper Way, and much more the Complaint of the Petitioners, for all of whom I have so great an Esteem: But let them point out to us some Way or another, of what, and against whom they complain: Let us but know what they complain of, and the Persons they suppose to have been guilty of those Facts, and I shall be most ready and willing to enter into any Method for giving them Redress.

There might, my Lords, be some Excuse for the Generality and Indefiniteness of the Complaint now before us, if it could be said that it was not possible for the Petitioners to be more particular; but from the very Petition they have presented, the contrary appears; for tho' they complain of illegal Practices in general, yet they afterwards say, they are ready to lay Instances of these Practices before us: It was therefore in their Power to have mentioned those Instances in the Body of their Petition; and surely they may still, whenever they please, give us an Account of them, and of the Persons that were guilty; for if they know the particular Facts, they must know the particular Persons; and therefore they not only can, but may easily comply with the Motion now made to us: It is what they may do, and it certainly is what they ought to do, and what is absolutely necessary for this House to have done, before we can proceed to examine into the Complaint now before us: Upon this Occasion, and, indeed, upon every Occasion, we ought to remember the Motto of the great Hall

of Justice below, *Audi alterem Partem*. Let us hear the Defendants; let us hear those against whom the Complaint is made; but how can we hear them, unless we know who they are?

In all Causes, in all Trials, and in all Courts, the Examination of Witnesses is always the last Thing that is done. The Party complaining is heard in Support of the Charge, and then the Court hears what the Defendant has to say against it, or in his own Justification, before they ever proceed to examine the Witnesses of either Side: And in all the Courts I have ever heard of, except a Court which is called an Ecclesiastical Court, but is one of the most unchristian Courts that ever was set up in the World, I mean the Court of Inquisition, the Witnesses are always examined in the Presence of both Parties; but if we should proceed to examine Witnesses upon this Petition as it now stands, and without any more particular Information, we should be still worse than the Inquisition; for it would be entering upon, and carrying on a Trial, before we so much as knew, or had ever heard of the Persons that were to be try'd. As I am convinced there is no Lord in this House that desires ever to see a Court of Inquisition set up in this Kingdom, and much less that this House should ever in any of its Proceedings imitate that tyrannical Court, therefore I make no Doubt of your Lordships agreeing to the Motion now before us.

To this Argument for the Motion it was answer'd in Substance as follows, *viz.*

My Lords,

I Must own, I am very much surpris'd at the Motion now made to your Lordships, and I think I have much more Reason to be at a Loss to know the true Design of this Motion, than the noble Duke who made it can have, for his being at a Loss to know the true Design of the Petition. The true Design of the Petition, my Lords, is in itself clearly express'd, and the Desire of the Petition is what this House not only may, but ought to comply with: But by this Motion the Petitioners are desired to do what evidently appears to be impossible for them to comply with; and I hope the noble Duke does no Way intend what may be inferred from such a Demand. The Petitioners may probably have heard of some of those undue and illegal Methods, that were
practis'd

practised at the last Election of Peers in *Scotland*; but it is impossible they should know them all, or all that may be made appear by an Examination of the proper Witnesses at the Bar of this House; and as to the principal Persons concerned in those Practices, against whom your Lordships Enquiry is, without Doubt, to be chiefly directed, it is absolutely impossible the Petitioners should know any Thing about them, at least not so much as to give them a sufficient Ground to name them to this House.

To mention in any Resolution of this House, or to talk of the Petitioners proceeding upon any Instances, or against any Persons, is what is most irregular and most improper: It is, my Lords, to suppose that the Petitioners are Prosecutors; whereas it appears plainly by their Petition, that their only Intention was to give your Lordships Notice, that some dangerous Practices have lately been made Use of, and to contribute as much as they could, to put you in a Way of getting a full Information in Relation to those Practices. When you have got this Information, it is not the Petitioners that are to proceed, it is this House that is to proceed against the Persons who shall appear to have been guilty of such Practices. The Petitioners only propose to lay some Facts before your Lordships, which they take to be of dangerous Consequence to the Honour of this House, and to the Freedom of Parliament, and which, they think, ought to be prevented in Time to come. Their Petition is therefore in the Nature of a Petition against a general Grievance, which they desire your Lordships to enquire into, and to provide such Remedy as you shall think necessary. In such a Case, is it proper to talk of their proceeding upon any Facts, or against any Persons? Is it to be supposed that either they or this House can yet know whether any Persons are to be, or ought to be proceeded against?

Upon Examination of the Witnesses, whom the Petitioners are to point out to you, it may appear evident, that some Practices have been made Use of, which ought to be prevented by some new Law or Regulation; and yet, my Lords, that Proof may be such as not to lay a sufficient Foundation for prosecuting any particular Person: It cannot therefore be in their Power to name the Persons; but suppose it were, are we to put off an Affair which concerns the Honour of this House, as much as it does the Petitioners, because they have not named,
and

and perhaps will not name the Persons guilty. Suppose, my Lords, we should get Information, that several Barrels of Gun-powder had been placed under this House, in Order to blow us up; would it not be very odd in us to put off going to search for or remove the Gun-powder, 'till we should be informed by what Means, at what Time, and by whom the Powder was placed there? The Case before us is the very same; there is a Sort of metaphorical Gun-powder placed under this House, which will in Time blow us up, if it be not removed; and in such a Case, are we to trifle away our Time in Enquiries after the Names of the Persons who placed it there, and the Methods by which it was conveyed?

I shall readily grant, my Lords, that a Man's Character suffers a little, even by an Accusation; but is not this the very Reason why the Laws of this Kingdom do not allow any Man to be accused, but upon the Oath of some Person or another? And is not this the strongest Reason that can be given, is it not a most convincing Reason for our not complying with the Motion made to us? Nay, does it not shew, that the Petitioners would have acted contrary to the Spirit, and to the whole Tenour of the Laws of this Kingdom, if they had named any Person? And shall we, by any Resolution of this House, overturn that which has been the established Maxim of our Law for so many Ages? It is true, the most innocent Man must lie under an Imputation, from the Time of his being accused, to the Time of his being try'd; and if any Person's Name shall be mentioned upon the Examination of Witnesses, as having been guilty of some of the illegal Practices complained of, he will certainly lie under an Imputation, from that Time to the Time of his being brought to his Trial; but does not the same Inconvenience accrue from what is now demanded? If the Petitioners should name any Person as guilty, it will bring as great an Imputation upon him, as if he had been named by a Witness upon Oath at your Bar; and that Imputation he must lie under 'till he can be cleared by a fair and impartial Trial: The Imputation will be the same; and I am sure it will be much longer before a Man can be brought to his Trial, after being named by the Petitioners, than after being named by Witnesses examined upon a regular Enquiry. Let the guilty Persons, then, be who they will, let them be Men in a high or low Station in Life, it will be as inconvenient for them to have their Names declared by the
Petitioners,

Petitioners, as to have their Names mentioned by Witnesses upon any Enquiry your Lordships are to make; and it is certainly much more consonant to our Laws, not to have any Man's Name mentioned, 'till it is mentioned by a Witness upon Oath, when examined upon a regular Enquiry into the Facts complain'd of.

That it is a Maxim established, either by the Reason of Things, or by the Practice of any Court of Judicature in the World, never to examine Witnesses without giving the Man, who is or may be accused by such Examination, an Opportunity, at the same Time, to vindicate his Character, or to cross-examine the Witnesses, is what I cannot agree to: On the contrary, my Lords, I take it to be a Maxim established, both by the Reason of Things, and by the Practice of every Court of Judicature in the World, that it is proper to enquire into Facts by the Examination of Witnesses, in Order to find out the Persons that ought to be accused, or to learn how to proceed against those that are; and at such Examinations, the Parties who are or may be accused, are never allow'd to be present, nor have they ever the least Notice given them that Witnesses are to be examined, as to Facts by which their Characters may be blasted. That this is the Practice in this Kingdom, from the highest Court of Judicature to the lowest, is beyond Contradiction. Does not this House, as well as the other, sometimes upon meer Suggestions, nay upon common Fame, enquire into Crimes of the highest Nature, and in which it may be supposed, that Persons in the most elevated Stations have been concerned? Have not Committees often been named for such Purposes? And do not these Committees always examine Witnesses, without giving an Opportunity to the Persons, who are or may be accused, to vindicate their Characters at the same Time, or to cross-examine those Witnesses, by whom not only their Characters may be blasted, but their Lives and Fortunes brought into Danger? And with Respect to inferior Courts, is it not the constant and well known Practice to examine Witnesses before Grand Juries, in Order to the finding of Bills of Indictment, without allowing the Party accused to be present, or giving him any Notice that Witnesses are to be examined against him? Nay, even Justices of Peace, do not they always examine Witnesses upon Oath before they grant any Warrant? And is the Party against whom the Warrant is to be granted ever present at such Examination, or has he

any Notice that Witnesses are to be examined against him? It is therefore certain, that in this Nation it has been, and still is, the general and constant Practice to enquire into Crimes of all Kinds by the Examination of Witnesses, without giving any Notice to the Party that is or may be accused, or giving him any Opportunity at that Time, either to vindicate his Character or to cross-examine the Witnesses; and that this Practice is not attended with any Inconvenience, I need not endeavour to prove by Arguments; for the long Continuance of it is a better Argument than any other that can be brought.

How this Petition, my Lords, can be considered as an Accusation, I cannot imagine, and if it were, I can as little imagine how it can be looked on as the most general Accusation that was ever brought into this House. I shall not call it an Accusation, I must call it a Representation of a Grievance, which, I think, ought to be remedied; and that Grievance is very particularly set forth, both as to the Nature of it, and as to the Time of its happening; nay, the Petitioners go further, they say they are ready to lay particular Instances before us, in that Way which I take to be the only proper Way of laying Facts before any Court of Judicature, that is, by the Depositions of Witnesses. I am surpris'd to hear it said, that in Impeachments, in Acts of Attainder, and in all Parliamentary Proceedings, particular Facts are always charged, and those Facts charged against particular Persons: Your Lordships must all know, that Impeachments and Acts of Attainder are generally grounded upon an Enquiry, made by this or the other House of Parliament: 'Tis true, when the Affair comes the Length of an actual Impeachment, or a Bill of Attainder, particular Facts are then charged and those Facts are charged upon particular Persons; but most of those Enquiries which have been the first Steps towards an Impeachment, or Bill of Attainder, have proceeded upon general Surmises, some of them upon common Fame only, and some of them upon a Motion unsupported by any Charge, either general or particular.

In the other House, my Lords, it is very well known, that upon the most general Suggestions of any Crime or Misdemeanour, a Committee is always named to enquire into the Affair complained of, and that Committee is always empower'd to send for Persons, Papers and Records;

cords; Witnesses are examined, and the whole Proofs that can be collected, either from Persons, Papers or Records, are taken by that Committee, before any particular Fact has ever been mentioned, or any particular Person named to the House: Neither the House, nor any Person breathing, besides those of the Committee, hears a Word of the particular Facts, or a Name of any particular Person mentioned, 'till that Committee comes to make their Report. This is directly the Case of the Petition now before us: It is far from being too general for the Foundation of an Enquiry, on the contrary we are in Honour, in Duty to our Country, obliged to take it as such, and that Enquiry may be the Foundation of an Impeachment; but this is what neither this House nor the Petitioners can as yet tell. Tho' the Petitioners have not, at present, the Honour to be Members of this House, yet, in every other Respect, they are all Peers of *Great Britain* as much as any of us: If it had not been so, if they had not been Peers of *Great Britain*, the proper Place for them to have applied to, would have been to the other House, and it is certain the other House would have immediately appointed a Committee to have received the Instances and Proofs now offer'd to be laid before your Lordships; there would not there, I believe, have been such Regard shewn to the Characters of those who might suffer by those Proofs: And shall the Petitioners, my Lords, be the worse for being Peers of *Great Britain*? I hope not; but if this Motion prevails, I am sure it may with Justice be said, They have the Misfortune to be Peers of *Great Britain*.

That there have been many Parliamentary Enquiries without any particular Charge, and without any particular Person's being named, is beyond Dispute; but even in our inferior Courts, do not we know, my Lords, that Grand Juries often present Nuisances in general Terms, and without mentioning any particular Fact, or any particular Person; and do not these Courts often proceed to enquire into the Nuisance so presented, in Order to find out and punish the Persons that have been guilty of it: And in any Court of Law, if a Petition should be presented by any Number of Suitors, Men of Character, whose Judgment and Veracity the Court could depend on, complaining in general of Abuses committed in any Branch of Practice, and desiring that the Court would examine into it, and endeavour to prevent such Abuses for the future, either by punishing the Per-

sons who might appear to be guilty, or by making some new Regulation; if that Court should reject such a Petition, and neglect or refuse to make any Enquiry into the Branch of Practice complained of, I should conclude, that the Judges were more intent upon screening their Officers than upon doing Justice to the Subject: Nay, I should readily believe, that even the Judges themselves were Partakers of the Frauds and Extortions committed by their Officers.

The Reverend Prelate, who was pleased to mention the Court of Inquisition, has a Mind, it seems, to soften as much as he can the Methods of proceeding in that terrible Tribunal, when he compares them to the Method proposed to be follow'd upon the Petition now before us: The Method now proposed is, first to enquire into those illegal Practices suspected to have been made Use of; and if upon that Enquiry it should appear, that any particular Persons have been guilty of Practices for which they ought to be punished, to be sure some noble Lord in this House will stand up, in his Place, and impeach the Persons against whom any Suspicions of Guilt shall, upon that Enquiry, appear, or this House will, at a Conference, communicate to the other House the Discoveries made upon such Enquiry, and upon that, the other House will become the Prosecutors: In either Case the Persons accused will be brought to an open, a fair, and an impartial Trial, they will know their Prosecutors, and will have an Opportunity to cross-examine the Witnesses that are brought against them, and to bring Witnesses, or what other Proofs they may think proper for their Vindication; This, my Lords, is the regular and constant Method of proceeding in Parliament upon all such Occasions, and is the Method established by our Ancestors, for preserving the People from Oppression and Arbitrary Power; but the Method of proceeding in the Inquisition, and the Design of such Proceedings are very different: There the Party accused is condemned without any open or fair Trial, and he is never allow'd to know either his Prosecutors, or the Witnesses against him, nor is he allowed to bring any Proof of his Innocence; nay, he does not so much as know the Crime he is accused of, 'till the Sentence comes to be executed upon him: This is the Method of proceeding in that tyrannical Court, and the Design or Aim of all their Proceedings is to support the Arbitrary Power of their Master the Pope of

Rome.

Rome. The Methods of Proceeding in this House were never yet applied to the Support of any Arbitrary Power, Spiritual or Temporal, and as little will they, I hope, be ever applied to the screening of Oppressors or Criminals, let their Quality, let their Station in Life be what it will; for if the Methods of proceeding in this House should once come to be applied to the screening or protecting of high Criminals, the next Step will certainly be, to make Use of this House only for the Support of Oppression, and for sharpening the Edge of Arbitrary Power.

The Petitioners may, and certainly do, know some Instances of the illegal Practices complained of; but that they know them all, is not to be presumed: All that they can know, must proceed from Accounts given voluntarily and freely by some particular Men, and it cannot be supposed that those Men knew a great deal; but by the Authority of this House, others may be compelled to give a full Account of what they know, even some of the under-Agents, entrusted and employed in those Practices, may be examined, and from them we may expect a fuller Information, than from any of those who were never let much into the Secret. It cannot therefore be supposed, that the Petitioners can give us many Instances of the illegal Practices they complain of, or a full Account of any of them; and whatever Accounts they may be able to give us, they have certainly proposed the most proper Method for giving them: The most proper Method of laying an Account of any Fact before this House, or before any Court of Judicature, is certainly to do it by Witnesses upon Oath; and if the Petitioners had chosen any other Method, if they had in their Petition given us long Accounts of particular Facts, I am very well convinced, it would then have been represented as an illegal and unprecedented Method of laying Facts before this House; nay, I do not know but the Petition would have been complained of, and perhaps rejected, as a scandalous and impertinent Petition.

But, my Lords, because the Petitioners know some Instances of the illegal Practices complained of, to conclude from thence, that they must certainly know the principal Persons guilty, is I think very odd. I cannot pretend to know any Thing of the Practices made Use of, but from two Sorts of Practices that have been publickly mentioned, I must conclude, that it is impossible
for

for the Petitioners to know the principal Persons guilty. Suppose, my Lords, that the having a Regiment drawn up under Arms in the very Place where, and at the very Time when, the last Election of 16 Peers was made, should be one of the illegal Practices complained of; in this Case the Petitioners may know the Officer that then commanded the Regiment; but that Officer is not surely the Person against whom your Lordships Enquiry is to be chiefly directed; he certainly had his Orders from some superior Officer; that superior Officer is the Person against whom your Lordships Enquiry must be chiefly directed; and the Name of that superior Officer your Petitioners cannot be supposed to know.

Let us again suppose, my Lords, that Corruption was one of the illegal Practices made Use of at last Election: Some Lords of *Scotland* may perhaps have owned, that they got Money for voting according to Direction, or that they were offered Money, or some other Reward, on Condition they would vote according to Direction; but those Lords would certainly for their own Sakes, conceal the Names of the Persons who gave or offered them Money, or other Reward, for such a corrupt and criminal Purpose, because the Person named would have been intitled to an Action of Scandal for spreading such a Report against him, and upon that Action, would certainly have recovered great Damages; whereas, upon an Examination at your Lordships Bar, the Persons guilty may be named without any such Danger: But further, my Lords, where Practices so highly criminal are made Use of, we cannot suppose that the Persons principally concerned would personally appear; such Practices are generally carried on by under-Agents; and though some indirect Hints may, perhaps, have been given as to the Names of those under-Agents, yet it is impossible for the Petitioners to know the Names of the principal Persons who employed those Agents; nay, even your Lordships may find some Difficulty to fix those Practices on the Persons on whom they ought principally to be fixed, and against whom the Enquiry of this House, and the Vengeance of the Nation, ought principally to be directed.

Your Lordships will, without Doubt, observe the Motto of *Westminster-hall*, *Audi alterem Partem*: It is a Rule that will, I hope, be always observed by this House; and in the Affair now before us, you will certainly hear the other Side as soon as there is one to be heard:

heard: As yet there is no Side, there is no Prosecutor nor Prosecution, and consequently no Person prosecuted to be heard: The Petitioners are no Prosecutors, nor is it possible for them to tell who are to be prosecuted, or whether there be any Person that ought to be prosecuted or no: They complain only against a Grievance, they desire your Lordships will enquire into that Grievance, and apply such Remedies as you may think proper. If, among other Remedies, it shall be found necessary to prosecute the Persons who, by your Enquiry, shall be discovered to have been any Way concerned in the Grievance complained of, a legal and a regular Prosecution will certainly be carried on against those Persons, and then your Lordships will certainly hear what they have to say in their own Defence, and 'till then they have nothing to do with your Lordships Enquiry, nor have they a Right to be present at the Examination of any Witnesses to be examined at the Bar of this House.

In short, your Lordships may profess what you will; but if the Affair now before us be thus put off by Motion after Motion, Motions which seem to germinate one from another, the World will not believe that you have an Inclination to go to the Bottom of the Affair before you, or that you have an Inclination to save your Country from the impending Ruin which is so loudly complained of, and so generally foreseen: And thus, by shewing such a tender Regard to the Characters of some particular Men, who may, perhaps, be in Danger of being exposed by a strict Enquiry into this Affair, your Lordships will bring a most heavy, and, I am afraid, a very general Imputation upon the Character of this House; therefore I hope the noble Duke will wave his Motion, and let us proceed to appoint a Day for enquiring into this Affair, by the Examination of all such Witnesses as may be thought proper to be examined, upon an Occasion of so great Importance to the Honour of this House, and to the Freedom and Independency of Parliament.

The Reply was to the following Effect, *viz.*

My Lords,

AS Parliamentary Enquires have often been of great Advantage to this Nation, and may be so in Time to come; I shall, therefore, upon all Occasions, be ready and willing to agree to any such Proposition, when there

there appears a Necessity for entering into the Enquiry proposed; but as all Parliamentary Enquiries must be attended with great Trouble and Expence to some of his Majesty's Subjects, and as they always raise some Sort of Ferment in the Nation, they are not to be entered upon without some apparent Necessity for so doing: We are not at the Desire of any Subject, or of any Number of Subjects, to set up a Parliamentary Enquiry, unless those who desire it can shew us very good Reasons to suspect, that some illegal Practices have been committed, and that it is become necessary for this, or the other House of Parliament to enquire into them. I have a very great Respect for the noble Lords the Petitioners, and I am persuaded they think that some illegal Practices have been made Use of, and that it is become necessary for this House to enquire into them: This they are certainly convinced of, otherwise they would never have presented such a Petition: This is their Opinion, but they must give me their Reasons before I can make it mine: If those Reasons be as prevalent with me as they are with them, I shall certainly agree to the Enquiry desired; but neither in this, nor in any other Case, shall I ever give my Vote according to the Opinion of another, but according to that which I have formed for myself. It is therefore incumbent upon the Petitioners to give us some Reasons to believe, that illegal Practices have been actually made Use of, and that there is a Necessity for this House to enquire into them; and as it is impossible to give us any such Reasons, without first giving us some particular Instances of the illegal Practices they complain of, and some Account of the Persons they suspect to have been concerned in such Practices, I cannot but think the Motion now made to us a very proper Motion upon this Occasion; and such a one as the Petitioners ought certainly to comply with, before they can expect that any Lord in this House, who knows no more of those illegal Practices than I do, can agree to any Sort of Parliamentary Enquiry.

When any Enquiry is moved for in either House of Parliament, these three Questions naturally occur to every Member of that House, Whether the Practice proposed to be enquired into be illegal? Whether there be such as may be presumed to have been committed? And whether they be of such a Nature as cannot be punished or remedy'd by the ordinary Courts of Law.

These

These are three Questions I say, my Lords, which naturally occur to every Member, and he ought to satisfy himself about every one of them, before he gives his Opinion, either for or against agreeing to the Enquiry proposed. Now, I appeal to your Lordships, how any Lord in this House, who knows nothing of the Practices lately made Use of in *Scotland*, can satisfy himself as to either of these Questions, without knowing something more about them, than he can know from the Petition now before us? In my Opinion, it is impossible for any Man to satisfy himself in either of the three, without knowing some particular Instances of the Practices complained of, and the Names of the Persons said to have been guilty of those Practices. But suppose we should agree to enquire into this Affair, without any further Information than what we have at present, I must beg your Lordships to consider, how would it be possible for us to examine or to put the proper Question, to any Witness, that shall be brought to the Bar of this House? For as neither of the Petitioners have at present a Seat in this House, I cannot form to myself any Question that could be put by any other Lord to a Witness, but only the general Question; if he knew of any, and what illegal Practices made Use of at the last Election of 16 Peers for *Scotland*? This, in my Opinion, would be a very improper Question, because it would be leaving it entirely to the Judgment of the Witness to determine, what he took to be an illegal Practice, and to give an Account of none but what he took to be such: Upon such a general Question, it may be supposed, that some Witnesses would give us long and tedious Accounts of trifling Facts, nothing at all to the Purpose, while others might, perhaps, neglect to inform us of Things of the greatest Importance. Therefore, not only to enable us to judge if there be a Necessity for an Enquiry, but likewise to enable us to proceed with Accuracy and Vigour, we ought to agree to the Motion proposed, and the Petitioners ought to comply with it, as I make no Doubt but they will.

My Lords, in all preparatory Examinations, in all Sorts of Examinations that I ever heard of, the Witnesses are questioned about particular Facts, and likewise in Relation to particular Persons, and either the Judge, before whom the Witness is examined, or some Person concerned, and attending for that Purpose, knows, or is instructed, how to put the particular Questions to

the Witness, in Order to draw the whole Truth from him, relating to that Affair, about which he is examined. Even with Respect to those Enquiries, which have proceeded from a Motion in either House of Parliament, the Member who proposes an Enquiry does not barely make a Motion for that Purpose, he stands up in his Place, and always gives the House an Account of the particular Facts he desires to be enquired into; nay, he generally gives the Names of the particular Persons against whom he makes his Complaint: By that Speech, the Members are not only enabled to judge, whether or no a Parliamentary Enquiry be necessary, but they are likewise enabled to put the proper Questions to the Witnesses, that may thereafter be brought before them in the Committee. And beside, the Member who makes the Motion is always named one, and generally is the Chairman of the Committee, who must be supposed to know the particular Facts, and to suspect, at least, who were the particular Persons guilty of those Facts, so that he must of Course know how to put the proper Questions to every Witness, and the particular Facts, as to which each Witness ought respectively to be examined.

Suppose, my Lords, that the Petition now before us is to be taken as a general Complaint against a Grievance, and a Desire to have that Grievance redressed; yet it must be granted, that it is one of the most general Complaints that ever was brought before either House of Parliament: Enquiries may have been set up upon meer Suggestions, or upon common Fame; yet I believe there was never an Enquiry set up upon such a general Suggestion, or upon such a general Report: Some particular Facts are always suggested, even common Fame reports some particular Crimes, and fixes those Crimes upon some particular Persons, before it is made the Foundation of any Parliamentary Enquiry. And with Respect to Presentments at Common Law, it is very certain, no Grand Jury ever made such a general Presentment as the Complaint now before us: They always fix upon some particular Thing, or upon some particular Practice, and present it as a Nuisance, which they think ought to be remedy'd; and if a Grand Jury should make a Presentment, complaining in general, that at such a Time, or upon such an Occasion, some illegal Practices had been made Use of, without mentioning one of those Practices which they took to be
illegal,

illegal, or one of those Persons by whom they supposed such Practices to have been made Use of; I am persuaded no inferior Court in *England* would take any Manner of Notice of such a Presentment. An utter Neglect would certainly be the Fate of such a Presentment at Common Law; and I am persuaded a Motion in the other House for an Enquiry, founded upon such a general and indefinite Charge, would meet with very little Success: However, I am very far from proposing, that the Petition now before us ought to be entirely neglected; I think it ought to be greatly regarded, both on Account of the Persons complaining, and the Matter complained of; and I shall be for making a most strict Enquiry into the Affair, if the Petitioners will but make it possible for us to do so, by giving us some Instances of the Practices they complain of, and the Names of some of the Persons they suspect to have been guilty of those Practices.

The Petitioners, my Lords, must know, or have heard of some particular Facts, which they take to be illegal, and of dangerous Consequence, otherwise it is certain they never would have presented such a Petition to this House: Let them but inform us of those particular Facts they know or have heard of, that we, as well as they, may judge whether they are illegal or not, that we, as well as they, may judge whether they are of such Dangerous Consequence as to deserve a Parliamentary Enquiry: And it is impossible they can know any particular Facts, without knowing the Names of some of the Persons who were guilty of those Facts: Nay, it is impossible they could have heard of any Facts, without having had the Persons guilty named to them, or at least described in such a Manner as they must know who they are; for though there might perhaps have been some Danger in publishing the Name of any Person upon such an Occasion, yet the Person guilty might have been so described as to make every one know who was meant, without exposing the Person who gave such Description to any Danger: Such Descriptions must have been fully understood by the Petitioners, and surely they may, without any Danger, declare to this House the Names of the Persons they suppose to have been meant by such Descriptions.

To conclude, my Lords, though I have as great a Regard for the noble Lords the Petitioners as any Lord in this House can have, tho' I could depend upon their

Judgment as much as upon the Judgment of any Man yet I cannot answer to myself for agreeing to take up the Time of this House, and put Witnesses to the Trouble and Expence of travelling, perhaps a great many Miles, which must be the Event of our entering upon an Enquiry into this Affair, without being, in my own Judgment convinced that there is great Reason to suspect that some very illegal and dangerous Practices have been made Use of, and that they are Practices of such a Nature as cannot be punished or remedy'd any other Way, than by a Parliamentary Enquiry; and since I cannot of this be convinced in my own Judgment, without knowing particularly both the Practices that are suspected to have been illegally committed, and the Persons Names that are suspected to have been guilty of those Practices, therefore I must be for the Motion.

After this Debate the Lord B—————*st* stood up and spoke to this Effect, *viz.*

My Lords,

SINCE I find your Lordships are like to come to a Question upon this Motion, I must observe, that as it stands at present, it is a Motion complicated of two very distinct Parts. By the first Part of it, the Petitioners are to be ordered to lay before this House, in Writing, Instances of those undue Methods and illegal Practices upon which they intend to proceed; and by the other Part, they are to be ordered to lay before this House, the Names of the Persons they suspect to have been guilty of those undue Methods and illegal Practices: Now, my Lords, as these two Parts are evidently as distinct and different from one another, as any two Motions can be, and as it is evident, that several Lords may, for very good Reasons, be against the last Part, tho' they may be for the first, therefore, my Lords, I must make Use of that Right which every Lord has, by the constant Practice of this House, and desire that the Parts may be separated, and the Question, but separately upon each.

The Question being called for, his Lordship stood up again, and insisted upon it, that when a Question appeared to be complicated, every single Lord in that House had a Right to desire that the Parts might be separated

separated, and that different Questions might be put upon the several different Parts. This, he said, was a Right that never was controverted, and he insisted upon his Right.

The Question being still called for, he stood up the third Time and said, that since they did not seem inclined to grant him a Right, which had never been denied to any Lord in that House, he would propose an Amendment to the Motion, which was, that these Words (*and the Names of the Persons they suspect to have been guilty of such undue Methods and illegal Practices*) might be left out; and therefore he hoped their Lordships would put the Question upon the Amendment, before they put the Question upon the Motion.

Upon this, the Question was put upon the Amendment offered, which was carried in the Negative, by 40 to 48; and then the Question being put upon the Motion, it was carried in the Affirmative, without a Division.

The Motion was made by the Duke of D——re, and was supported by the Earl of S——gh, the Lord H——y, the Lord H——ck, the Bishop of S——ry, the Earl of I——y, the Lord C——r, and the Duke of N——le. It was opposed by the Earl of Ch——ld, the Lord G——r, the Lord B——st, the Earl of A——n, and the Earl of St——d.

The Petitioners having been made acquainted with this last Order, in the same Manner they were made acquainted with the former, they delivered their Answer in Writing to the Lord Chancellor, on the 27th of February, and next Day the Order of the Day being read, the Lord Chancellor acquainted the House, that he had received from the Petitioners an Answer in Writing to their Lordships last Order, which he read to the House, and of which the following is an exact Copy, viz.

My Lords,

Y^OUR Lordships Order of February the 21st Instant, hath been signified to us by the Right Hon. the Lord High Chancellor, with Respect to which, we do humbly submit to your Lordships, That we have not, by our Petition stated ourselves Accusers of any Person whatever, nor did we intend so to do; but thought it our Duty to lay before your Lordships, by Way of Petition, that such Methods and Practices were used towards carrying

carrying on the last Election of Sixteen Peers for Scotland, as appeared to us dangerous to the Constitution, and might prove subversive of the Freedom and Independency of Parliament. The Preservation of our happy Constitution is what we have in View, without Regard to any particular Persons; and we humbly conceived, that any Matter which so nearly concerns this Constitution, or might appear to be an Incroachment upon it, was a proper Subject for your Lordships Consideration and Enquiry as a High Court of Parliament.

That, without stating ourselves as Accusers, which is far from our Intention, we conceive we cannot take upon us to name the particular Persons, who may have been concerned in those illegal Practices; but who those were, will undoubtedly appear to your Lordships, upon taking the proper Examinations; and the Facts are what we humbly pray may be enquired into, *whoever may happen to be affected by them*: Nor can we, without acting as Evidences, comply with those Words of your Lordships Order, to give the Names of the Persons by whom such undue Methods and illegal Practices were used: But, would we act both as Accusers and Witnesses, it is impossible for us to inform your Lordships, who were the Persons that, in the Course of this Examination, and from the Testimony of future Evidences, may appear to have been concerned in the above-mentioned Practices.

We do also humbly submit to your Lordships, that we may have very certain and true Information of undue Methods and illegal Practices, that have been used towards engaging Peers to vote for a List; and yet, that our Informers may not have thought proper to name the Persons, by whom such undue Methods and illegal Practices we used; or may be unwilling to do so, until they are brought upon their Examination.

And, with Respect to the laying before your Lordships the particular Instances of the undue Methods and illegal Practices mentioned in our Petition, we humbly submit to your Lordships, if an Examination of this Kind ought to be confined to particular Instances, since from the Nature of the Thing it appears evident, that many Instances may come out in the Course of such Examination, the particular Circumstances whereof cannot be known to your Petitioners, and yet must appear upon Enquiry.

That

That tho' the opening the Particulars of the Facts to be proved, may necessarily produce such a Discovery of Evidence before Examination as is usually thought dangerous, even in Course of ordinary Trials, and may be much more so in the Case of a Parliamentary Enquiry.

Yet, nevertheless, in Consequence of your Lordships Order, as far as we are able from the Nature of the Thing, we do humbly acquaint your Lordships, that we laid the Petition before you, upon Information, that the List of Sixteen Peers for *Scotland* had been framed by Persons in high Trust under the Crown, long previous to the Election itself; and that this List was shewn to Peers, as a List approved of by the Crown, and was called the *King's List*, of which there was to be no Variation, unless to make Way for one or two particular Peers, on Condition they should go along with the Measure.

That Peers were solicited to vote for this List, or the *Crown List*, without the Liberty of making any Alteration.

That Endeavours were used to engage Peers to vote for this List, by Promise of Pensions, and Offices Civil and Military to themselves and near Relations, and by actual Promise and Offers of Sums of Money.

That Sums of Money were actually given, to or for the Use of some Peers, to engage them to concur in the voting this List.

That annual Pensions were promised to be paid to Peers, if they concurred in the voting this List; some of them to be on a regular Establishment, and others to be paid without any Establishment at all.

That, about the Time of this Election, Numbers of Pensions, Offices (of which several were nominal) and Releases of Debts owing to the Crown, were granted to Peers who concurred in voting this List, and to their near Relations.

That, on the Day of Election, a Battalion of his Majesty's Forces was drawn up in the *Abbey Court* at *Edinburgh*, and three Companies of it were marched from *Leith* (a Place at one Mile's Distance) to join the rest of the Battalion, and kept under Arms from nine in the Morning 'till nine at Night, when the Election was ended; contrary to Custom at Elections, and without any Cause or Occasion that your Petitioners could foresee, other than the over-awing of the Election.

These

These Instances of undue Practices we now humbly mention, which we hope will satisfy your Lordships, that we have just Reason to pray your Lordships, to take this Matter into your serious Consideration, and to provide such a Remedy as may be effectual, for preserving the Right and Freedom of Elections; such Right of Electing being the only Right that now remains with the Peers of Scotland, in lieu of a constant and hereditary Seat in Parliament.

Feb. 27,
1734.

Hamilton and Brandon,
Queensbury and Dover,
Montrose,

Dundonald,
Marchmont.
Stair.

After this Answer was read, a Motion was made for their Lordships to resolve, 'That the Petitioners had not complied with the Order of that House, of the 2nd Instant.'

The Argument for this Resolution was to the Effect as follows, *viz.*

My Lords,

THE Answer now read to us, is, in my Opinion, altogether as general and as obscure as the Petition which your Lordships want so much to have explained, and without which Explanation, the Opinion of this House seems to be, that we cannot proceed: The Petitioners, 'tis true, have in this Answer told us in general, the Nature of some Practices which are highly criminal, and which deserve very much the Notice of this House; they have, indeed, told us the Species of those Crimes, which they suppose to have been committed, but they have not told us of any particular Crime; nor have they given us so much as one Instance of any particular Fact, upon which they intend to proceed; and as for the Persons Names supposed to have been guilty of those Crimes, they have not, in so far as I can find, given us the least Hint of any one; so that we are certainly now as much in the Dark, as when we made that Order, to which they have given us, this Answer: I cannot therefore think that any of your Lordships will be of Opinion, they have complied with the Order of this House; nay, so far are they from complying with it, that they seem cautiously to avoid complying with it, even so far as was in their Power; for they

do not so much as say, that their Informers have refused to name the Persons guilty, but only say, that their Informers may perhaps be cautious of naming any particular Persons, 'till they come to be examined at your Lordships Bar. Surely, my Lords, if their Informers told them the Names of the Persons that were guilty, they might, in Compliance with your Lordships Order, have given the Names of such Persons; and if their Informers have actually refused to name any Persons 'till they come to the Bar of this House, the Petitioners might have positively said so: Then, as to the Regiment that is said to have been kept under Arms near the Place of Election, the Petitioners must certainly know the Name of the Officer who commanded the Regiment at the Time, and consequently they might surely have complied with your Lordships Order so far, as to give you the Name of that Officer, which I find they have not done; and for that Reason I shall conclude with a Motion so natural, that I hope no Lord in this House will make any Difficulty in agreeing to it.

When your Lordships made the last Order, it was certainly your Opinion, that it was impossible to proceed to the Examination of any Witnesses in this Affair, 'till you knew some of the particular Facts about which the Witnesses were to be examined, and the particular Persons against whom they were to give their Evidence. This must have been your Opinion, otherwise you would never have made such an Order; and now I appeal to every Lord in this House, if, from the Petitioners Answer, now before us, he can pretend to any further Knowledge than he had at that Time, either as to the particular Crimes committed, or as to the Persons who were guilty of those Crimes; therefore I must conclude, that every Lord in this House who agreed to that Order, must of Course agree to the Motion I am to make: Besides, there is nothing, my Lords, in which the Honour and Dignity of this House is more concerned, than in that of seeing our own Orders punctually complied with; and as it cannot be pretended that the Petitioners have, by this Answer, complied in the least with our last Order, therefore, I think, I must be justified in moving, that your Lordships would come to a Resolution, That the Petitioners have not complied with your said Order.

The Answer to this was in Substance as follows, *viz.*

My Lords,

WHEN your Lordships last Order was first proposed, I was not only of Opinion, that it was contrary to the whole Spirit and Tenour of the Laws of England, which do not allow any Man's Character to be loaded with an Accusation, unless by the Oath of some Person or another; but I was likewise of Opinion, that it would be impossible for the Petitioners to comply with it, and therefore I at that Time opposed it: However, now that it is become an Order of this House, I must admit, that it was a just, a right, and a proper Order; and therefore the only Thing we have now under our Consideration is, Whether the Petitioners have complied with it or no? I hope, my Lords, it will not be supposed, that we are, by any Order, to require People to do what is impossible; and for this Reason, every Order made by this House must, in the very Nature of it, imply an Alternative: Every Order we make must be presumed to imply, that those to whom it is directed shall either comply with it punctually, or shew us that it is impossible for them to do so; for surely, neither the Honour nor the Dignity of this House can be engaged to make any Man perform an Impossibility.

According to this Rule, my Lords, let us examine the Answer now before us: By our Order, we desired the Petitioners to give us Instances of those illegal Practices they complained of, and have not they given us Instances of the most illegal Practices that were ever made Use of at any Election: Is not Bribery an Instance of illegal Practices? And can that Instance be more particularly expressed, than they have expressed it in their Answer? They have not only told us the Species of the Crime, but they have told us several Ways or Methods how it was made Use of: They have told us, that some were bribed by the Promise of Offices, some by the Promise of Money or Pensions; that some were bribed by the actual Grant of Pensions, some by the actual Grant of Offices, and some by the actual Grant of Releases of Debts, owing by them to the Crown: Nay, they have told us, that Sums of Money were actually given to or for the Use of some Peers, to engage them to concur in the voting a List of Peers: Is it possible, my Lords, to give more particular Instances of Bribery,

without

without actually naming the Persons who gave, and the Persons who received the Bribes? But Bribery, it seems, was not of itself sufficient to cram this List down the Throats of some of the Peers of *Scotland*; to their Gifts and their Promises, they were forced to add Menaces and Threats: By calling it the *King's List*, and by saying it was approved by the Crown, what else can be understood, than that they designed to threaten those who should refuse to vote for it, with the Displeasure of the Crown, and that they must expect to be turned out of any Office or Employment they enjoyed under the Crown? Nay, the Petitioners go further, they tell us, that not only his Majesty's Name, but his Majesty's Troops were made Use of, to terrify those whom Money or Promises could not corrupt. Without giving us the Names of the Persons by whom, and to whom those Expressions were made Use of, without giving us the Name of that Person from whom those Orders to his Majesty's Troops originally flowed, it is impossible to describe those Instances of Menaces and Threats more particularly than they are described in the Answer now before us, and therefore there is not the least Pretence to say, that the Petitioners have not fully complied with this Part of your Lordships Order.

Now, my Lords, with Respect to the other Part of your Lordships Order, by which the Petitioners are desired to give us the Names of the Persons that were guilty of those Crimes; this, indeed, they have not complied with, but for what Reason? Because it is impossible. They do not say, that from their own Knowledge they know of any of those illegal Practices; they do not so much as insinuate, that any Man attempted to bribe or to frighten either of them: No, my Lords, all the Knowledge they have, is by Information, and they expressly tell us, that were they to act both as Accusers and Witnesses, it is impossible for them to inform your Lordships who were the Persons guilty; and further, besides the Credit which is due to their Characters, they give us a most convincing Reason for the Impossibility they labour under in this Respect: They tell us, that their Informers may be unwilling to name the Persons guilty, until they are brought upon their Examination; and this, my Lords, every one of your Lordships must agree to be very probable, nay, to be certain, because of the great Danger that attends the mentioning of any Person's Name upon such an Occasion.

As to the Officer that commanded the Regiment kept under Arms during the Time of that Election, I do not doubt but the Petitioners may know his Name ; but I am surpris'd to hear any Lord say, that the Petitioners ought to have named him in their Answer to your Lordships Order, because he was not, nor could be the Person guilty, he must have been but an inferior Officer, and therefore must have had Orders from a Superior for what he did: The Superior, the Supreme, I mean, my Lords, the Person, from whom those Orders originally flow'd, is the only Person guilty, and the only Person your Lordships are to enquire after ; all under him are obliged to obey their Orders, under the Pain of Mutiny, which is immediate Death ; and therefore they cannot be the Persons guilty ; so that it would have been ridiculous in the Petitioners to have named the Officer who commanded the Regiment, as the Person guilty of any illegal Practice, and the other the Petitioners cannot know ; but, my Lords, by examining that Officer, and perhaps some others, at your Lordships Bar, you will at last find out the Person properly chargeable as the Criminal, in this Respect: I say Criminal, my Lords, for it has always been held highly criminal, to leave any regular Forces in any Town, where an Election is to be, and certainly it must be much more criminal to march them into such a Town, and to give them Orders to stand to their Arms, as if they were ready to cut the Throats of all those who should dare to oppose the Persons that gave them their Orders: Thus I think it is evident, that with the first Part of your Lordships Order, the Petitioners have fully complied; and with the latter Part, they have not only declared, but have shewn, in the most convincing Manner, that it is impossible for them to comply ; and therefore there cannot be the least Foundation for the Resolution the noble Lord has been pleas'd to move for.

There may be, and I hope, my Lords, there are many Lords in this House, who might think, that your Lordships could not well proceed to an Enquiry into this Affair, without some farther Lights than you had by the Petition, and may now think that you have Lights sufficient to proceed to an Enquiry, by which those dark Scenes of Iniquity may perhaps be opened fully to View. The Three Questions which naturally occur, when an Enquiry is propos'd, may now be easily answer'd: Can it be doubted, but that the Practices, of which

which the Petitioners have given us so many Instances, are illegal? Can it be supposed that they can be either punished or prevented by any inferior Court? Is it not admitted of all Sides, that they are such as highly deserve the Notice of this House. As to the first and third Questions therefore, none of your Lordships seem to make any Doubt; then as to the second, Whether they are such Practices as may be presumed to have been committed? I am sorry, my Lords, to say, that the Presumption is, in my Opinion, but too strong. Beside the Characters of the noble Lords the Petitioners, who are well known, and I hope well respected by most of your Lordships, have we not a general Clamour against such Practices? And when I consider the great Qualifications, and more especially the just, the generous and the prudent Conduct of some of the Petitioners, who had the Honour to be Members of this House in last Parliament, the great Number of Votes they had in their Favour at the Election for that Parliament, and the small Number of Votes they had in their Favour at last Election, I must say, I am afraid there is too much Ground for this general Clamour, too solid a Foundation for his particular Complaint; so that as to the second Question, there can be, in my Opinion, as little Doubt as in either of the two.

Another Argument, my Lords, which seemed to make some of your Lordships willing to agree to the Order then proposed, was, that without some further Lights into this Affair, the proper Questions could not be put to the Witnesses to be examined at your Bar: But can any Lord now say, that we are not fully instructed by the Answer now before us, for putting the proper Questions to every Witness that can be brought to our Bar, upon an Enquiry into this Affair? The particular Interrogatories, both as to Bribery and Threats, and likewise as to the Regiment which seems to have been made Use of, with an Intention to overawe this Election, arise so naturally from the Answer before us, that we may get at the Bottom of this Affair without any further Information: But Besides, though the Petitioners have not now the Honour to be Members of this House, yet surely they will be allowed, and by this Petition they appear to be ready and willing, to give every Lord in this House as much Assistance as they can, in putting the proper Questions to each Witness, so as to enable us to draw from every
Witness

Witness the whole of what he may know about the illegal Practices made Use of at last Election. From all which it is probable, nay, I think it is to be expected, that there are many Lords in this House who were for the Order proposed, but will now be for proceeding directly to an Enquiry into this Affair, and consequently must be against the Motion now proposed.

My Lords, notwithstanding I have, I think, clearly shewn, that the Petitioners have fully complied with your Lordships Order, in so far as it was possible for them to comply with the same, yet I should be very easy about the Event of this Motion, if I did not suspect that it is to be followed by another, which will, I am afraid, put an End to this Affair, and therefore I hope the noble Lord will be so ingenuous as to stand up, and declare what he intends by the Motion he has been pleased to make; for tho' the Petitioners do not intend, or should absolutely refuse to set themselves up as Accusers, yet, I hope your Lordships are not, for that Reason, to drop an Affair, in which the Honour and the Dignity of this House, in which the very Being of our Constitution are all so deeply concerned. When this Affair came first before us, it was said, it ought to be look'd on as a Cause, and that therefore the Petitioners ought to be considered as the Plaintiffs, and ought to name those they designed to make Defendants; but if it were to be considered as a Cause, we are not, in my Opinion, to look on the Petitioners as Plaintiffs, nor upon any particular Persons as Defendants. It is, my Lords, the Honour of this House, the Liberties of the People, and our happy Constitution, that are to be looked on as the Plaintiffs, and Bribery and Corruption as the Defendants: These, my Lords, are properly the Parties to this Cause, if the Affair now before us were to be looked on as such; but it ought not, in any Shape, to be considered as a Cause, it is to be considered only as an Enquiry, which some of the best and greatest of his Majesties Subjects have earnestly petitioned for, which the Nation calls aloud for, and which the Honour of this House most peremptorily requires.

It is certain, my Lords, it is evident from the Records of both Houses of Parliament, that Enquiries have been often set up, without naming any Person whose Conduct or Crimes were to be enquired into. Even but a few Sessions ago, there was an Enquiry set up in this House, and Witnesses examined at the Bar of
this

this House, without naming any Person who was supposed to have been concerned in the Affair then enquired into; I mean, my Lords, the Affair of the *South-Sea* Company, in Relation to the Disposal of their Directors Estates: It is true, that Enquiry was objected to and opposed, as I believe all Enquiries will for ever be; but the Reasons for opposing that Enquiry, were not because no particular Person was named, nor any particular Instance of Fraud given; no, my Lords, the only Objection against that Enquiry, was, that there were no Petitioners before us: It was said, that we ought not to enquire into that Affair, because none of the Proprietors of the *South-Sea* Stock, none of the Persons concerned had complained of any Frauds or undue Practices. In the present Case this Objection cannot be made, we have now a Petition before us, we have Persons complaining of undue Practices, who are highly interested in the Complaint; but now it is said, we must not enquire into this Affair, because none of the Practices are particularly mentioned, because none of the Persons guilty are particularly named: Thus, will some Objection be always found to our entering upon an Enquiry into any fraudulent or criminal Practices, let the Interest and Safety of the Nation, or the Honour and Dignity of this House be ever so much concerned.

If a Coroner, my Lords, should be informed that a Person had been murdered, the Body buried, and the Murder concealed, but that if he would examine such Witnesses as his Informers should direct him to, the Murder might be discovered, and the Persons guilty apprehended, and brought to condign Punishment; surely the Coroner would be very deficient in his Duty, if he should neglect or refuse enquiring into the Affair, because his Informers could not, or perhaps would not, declare to him the Persons guilty, and the particular Manner in which the Murder was committed: Surely, my Lords, if his Informers were Men of any Character or Credit, if they were Persons upon whose Information he could have the least Dependence, he would immediately order the Body to be taken up and examined, and would examine in the strictest Manner every Witness his Informer could direct him to. The Case before us is the very same: If your Lordships can have any Dependence upon the Credit or Character of the Petitioners, you must suspect that a most horrid Murder has been committed: An Election there has certainly
been,

been, whether it was a fair and a natural Election your Lordships are to enquire; for if it was carried on by undue Methods and illegal Practices, the Right of the Peerage of *Scotland* has been murdered, our Constitution has got, I am afraid, a mortal Stab. I am persuaded, none of your Lordships are of Opinion, that the Petitioners are Persons whose Information is not in the least to be depended upon; and in such a Case, upon such an Information, will your Lordships refuse to make any Enquiry, because they cannot inform you of the particular Persons concerned in this Murder, and of all the particular Circumstances how it was committed? For God's Sake, my Lords, consider what an Injury will be done by such a Refusal, to the Nation in general, what a publick Slur will be thrown upon the Honour of this House, and upon the Justice of our Proceedings.

In short, my Lords, the Honour of this House, as well as the Independency of Parliament, is, in my Opinion so much concerned in the Affair now before us, the Complaint is so well supported, the Grievance so fully and so particularly set forth, and a Redress so loudly and so generally, as well as particularly, called for, that if we do not enquire strictly into this Affair, I shall hardly expect that this House will ever for the future, enquire into the Complaints of any Subject, or of any Number of Subjects; and if the other House follow the Example of this, where then shall the Subjects go to complain? No where can they go, my Lords, but to the Foot of the Throne, which they cannot approach, but when the Ministers please to give them Leave; and then I am sure it must be granted, that the Subjects of this once happy and free Nation, will be reduced to the same State with the Subjects of the most absolute, the most slavish Monarchy on Earth.

To this it was replied as follows, viz.

My Lords,

BY the Motion which the noble Lord was pleased to make to us, I must think that the only Question now before us is, Whether the Petitioners have complied with the last Order of this House, or no? If they have, your Lordships must disagree to the Resolution proposed; if they have not, you cannot avoid agreeing to it. This is the only Question now in Hand, and therefore I must think it very irregular to launch out into other Matters, but

but still more irregular to bring any Arguments which may seem to impeach the Justice or the Propriety of an Order already agreed to. Now, my Lords, as to the Question. I have read, I have thoroughly consider'd both your Lordships Order, and the Answer now before us, and I must really be of Opinion, that the Petitioners have not complied with any one Part of your Lordships Order: By that Order they are desired to give us Instances of the illegal Practices complained of; and in Answer to this they tell us, that some were bribed with ready Money, some with Offices, or with Releases of Debts due by them to the Crown, and some with Promises; and they seem to insinuate, that others might be terrified by calling the List proposed to them the *King's List*, or by the Regiment that was drawn up near the Place of Election: Is there in all this any one particular Instance? Is there any Thing, but what every Lord in this House must have known before he saw this Answer? Surely, if any illegal Practices are made Use of, for influencing any Election, those Practices must consist either in bribing or threatening the Electors; they can consist in nothing else; and I must think that your Lordships intended by that Order to be informed of something more than you knew, when that Order was made: You certainly did; and as the Petitioners have given you no further Knowledge or Information, it cannot surely be said, that they have complied with that Part of your Lordships Order.

It may perhaps, be impossible for the Petitioners to give us any particular Instances of Bribery, or of Menaces, without naming the Persons who gave, or the Persons who received the Bribes; without naming the Persons who threatened, or the Persons who were threatened; but, my Lords, is not this the very Reason why you joined the two in one Order? You were sensible, that particular Instances could not be given without naming the Persons, and therefore, that the Petitioners might not mistake your Meaning, you ordered them to give you the Persons Names as well as the Instances; and if it be impossible for them to give any Person's Name, it is certainly equally impossible for them to give you any Instances either of Bribery or Threatening; but this being contrary to what they have told you in their Petition, I must therefore conclude, that they know some of the Persons Names,

R

but

but refuse to comply with your Lordships Order in that Respect; and indeed they have taken Care not to affirm positively in any Part of the Answer now before us, that they do not know any of the Persons Names; for when they say, that were they to act both as Accusers and Witnesses, it would be impossible for them to inform your Lordships, who were the Persons, that in the Course of this Examination, and from the Testimony of future Evidences, may appear to have been concerned in the above-mentioned Practices; it cannot be presumed, that they mean to say more than that they do not know all the Persons, that by such Examination may appear to have been concerned; but still they may know some of the Persons, they must know some of them, otherwise they could not have said in their Petition, that they were ready to lay Instances of illegal Practices before this House; and therefore it cannot be said, that they have complied with your Lordships Order so far as was possible for them to comply with the same.

I shall grant, my Lords, that it is not legal to leave any regular Troops in a Place where an Election is to be, or to march any Troops to such a Place at the Time of an Election, unless there appear some very good Reason for so doing: But if Tumults and Riots should happen, or if the Magistrates of the Place should receive certain Information, that some such were intended, they might certainly call in his Majesty's Troops for the Preservation and Quiet of his Majesty's Subjects; and if any Enquiry should be made into this Affair, which upon this very Account, I wish there may, it will be made appear, that there was very good Reason for having that Regiment near the Place of Election, and that whatever they did, was done by a proper and a legal Order: But if it were otherwise, if there was any Thing illegal done by the Regiment, the Officer who commanded that Regiment at the Time, is the first Person to answer for it, and must be presumed guilty, 'till he can clear himself by shewing that he had Orders from a superior Officer for what he did, and such Orders too as he could not discover to be illegal; for if the Orders should upon the very Face of them appear to be contrary to Law, I do not think such Orders would justify the Officer who obeyed them. The Petitioners therefore ought certainly to have named the Officer who commanded that Regiment, as one of the

the Persons guilty of the illegal Practices they complain of; and that it was in their Power to do this, is I think acknowledged of all Sides. From all which, it is, in my Opinion, evident, that the Petitioners have not in any Respect complied with your Lordships Order, and therefore you must certainly agree with the noble Lord in the Resolution he has been pleased to propose.

But now, my Lords, as some Things have been thrown out, even in this Debate, against the Order agreed to by this House, I hope your Lordships will give me Leave to add a few Words in Vindication of your Order. I shall agree with the noble Lord, that by our Law no Man is to be loaded with what is properly called an Accusation without the Oath of some Witness; but then before that Accusation, which at Common Law is called an Indictment, can be drawn up, before any Witness can be examined, the Person's Name, and likewise the particular Crime with which he is charged, must be made known to the Court, or to some Person belonging to the Court, and intrusted by the Court for that Purpose; upon this Information the Indictment is formed, and the Witnesses are examined before the Grand Jury, in Order to their finding the Bill: This is the Course at Common Law, and this is a Method which ought to be followed in all Courts, and in all Cases relating to the Punishment of Crimes. This is the very Method which this House now desires to follow; we only want such an Information as may enable us to form or draw up an Accusation, and then we are to examine Witnesses, to see if there is any Ground for the Accusation, to see if there is any Reason for proceeding further in the Prosecution.

With Respect to Enquiries into Crimes or Misdemeanors, either before this House or the other, I do not, my Lords, remember to have heard that there was ever any such Enquiry set up in either House, unless where the Persons were named, and the Practices particularly set forth by those who desired the Enquiry; or that both were so particularly described, that every Member might easily and certainly judge who were the Persons pointed at, and what were the Crimes they were to be accused of: I have often heard it said, that Comparisons go upon all four, but the Comparison made, between the Enquiry now proposed, and the Enquiry lately made relating to the South-

Sea Company, is a Comparison which is so far from going upon all four, that it has not so much as one Leg to put to the Ground. In the *South-Sea Enquiry* the Disposal of the Estates of those who were Directors of that Company in the Year 1720, was a Fact particularly mentioned, and the Fact proposed to be enquired into; and as that Money was under the Management, and must have been disposed of by those who were afterwards Directors of that Company, if any Frauds had been committed in the Disposal of that Money, they were the only Persons that could be guilty, the only Persons that could be prosecuted, and their Names were well known; so that in that Case the Names of the Persons were known, and the particular Instance, the particular Fact to be enquired into, was mentioned in the very Resolution of this House; and in that Case it happened, that after we had given the *South-Sea Company* a great deal of Trouble, after we had given several private Gentlemen a great deal of Trouble, we at last found we had proceeded to an Enquiry a little too rashly, and without any solid Grounds; which I am convinced would be the Event of the Enquiry now proposed, if we should enter upon it without any further Information than we have at present.

With Respect, my Lords, to what has been said about the Duty of a Coroner, I must be of Opinion, that if Persons of the best Character should come and inform him that a Murder had been committed, the Body buried and the Murder concealed, and yet should refuse to give him the least Hint of the Persons supposed to be guilty, or the least Circumstance by which the Coroner could judge of the Grounds of their Suspicion; I say, my Lords, that if a Coroner should upon such a general Information order the Body to be taken up, and give the Relations and Friends of the Deceased a great deal of Trouble, he would be very much blamed; and would have great Reason to be ashamed of his Weakness and Credulity, if at last it should appear, that the Deceased had died a fair and natural Death: Nay, even tho' his informers had told him in general, that they had heard the Deceased was certainly murdered by Poison, without telling him by whom, at what Time, or in what Manner administered, such a general Circumstance would no Way excuse the Coroner's officious Enquiry.

If it were possible, my Lords, to judge in the present Case of the Truth of Facts, without knowing the Names of the Persons said to have been concerned in those Facts, then the latter Part of your Lordships Order would have been useless, and consequently would in so far have been improper; but in the Case before us, without knowing the Persons Names said to have been concerned in the Practices complained of, it is impossible for us, upon our own Judgment, to determine, whether we have any Ground to presume, that those Facts were really committed; because it is upon the Characters and Circumstances of the Persons said to be concerned, that our Judgment must in this Case principally depend; and I am sure, without a strong Presumption of the Truth of the Facts complained of, it would be wrong in us to enter into an Enquiry: This I take to be the true Reason why we desired to have the Persons Names, why we agreed to that Order as it now stands; and therefore I cannot see how any Lord who was for that Order, can be for our proceeding to an Enquiry into this Affair, 'till that Order be fully comply'd with.

There is no Man, my Lords, can have a greater Regard for the noble Lords Petitioners than I have; no Man can have a greater Regard for their Opinion, as to the Veracity or the Probability of what they relate, than I shall have upon this and every other Occasion; but I hope they will excuse me, for not allowing my Behaviour in this House to be directed by their Opinion: If they have a Mind that I should be of their Opinion, if they have a Mind that I should believe the Facts they relate, as their Relation does not proceed from their own Knowledge, they must give me the particular Reasons, they must give me the particular Circumstances upon which they have founded their Opinion as to the Truth or Probability of what they relate; then, and not 'till then, I shall be able to form some Opinion of my own; and 'till I can form an Opinion of my own, 'till I can convince myself that there is at least a high Probability that some illegal Practices were made Use of at the late Election of Peers for *Scotland*, I cannot agree to our entering upon an Enquiry into that Affair.

I hope, my Lords, I have as great a Regard for the Honour of this House as any Lord can have; but for this very Reason I cannot yet agree to any Enquiry into this Affair: I think it inconsistent with the Honour and Dignity

Dignity of this House to enter rashly into any Measure, I think it inconsistent with that Regard we ought to have for the Ease and Tranquility of the Subject, to enter into a solemn Enquiry into supposed Crimes, without very sufficient Grounds to suspect that some such were really committed; for by all such Enquiries, some particular Men must be put to great Trouble and Expence; and by raising a general Ferment, the Tranquility of the whole Nation will be disturbed. I likewise hope, my Lords, I have as great a Veneration for the Independency of Parliament as any Man; but as we ought to be independent of the Crown, or the Ministers, so we ought not to depend upon the Opinion of any Number of Subjects, nor ought we to depend upon vulgar Rumours, or general Clamours: I do not know that there is in the present Case any general Clamour for an Enquiry, at least I have never heard of any such; but if there were, we are not for that Reason to proceed to an Enquiry: No, my Lords, we ought coolly to examine the Grounds, the Foundations of that Clamour; and if we find it has been artfully raised, without any solid Foundation, we ought to despise it; for if neglected and contemned it will sink, it will vanish of Course. I beg Pardon for taking up so much of your Lordships Time, about what I really think is not the Question before us at present; but I have so great a Regard for the Honour of this House, that I thought myself obliged to say something by Way of Reply, in Vindication of an Order of this House, so solemnly agreed to, and therefore I hope your Lordships will excuse me.

The Question was then put for a Resolution, according to the Motion above mentioned, which was agreed to upon a Division, by 90 to 47.

This Motion was made by the Earl of Ch——y, and was supported by the Duke of N——le and the Lord H——y; and it was opposed by the Lord B——st, the Earl of Ch——d, the Lord G——r, the Earl of A——n, and the Earl of St——d.

Against this Resolution the following Protest was enter'd upon the Journals, viz.

Dissentiens

Dissentient

1. Because it was agreed in the Debate, conformable to the Rules of Reason, that no Impossibility was required from the Lords Petitioners ; and though we allow that they have not literally comply'd with the Order ; yet we think the Assertion in their Answer, that it is impossible for them to inform the House who are the Persons, that in the Course of the Examination, and from the Testimony of future Evidences may appear to have been concerned, was sufficient to satisfy the House, that they have not wilfully disobey'd the Order.

And from the Nature of Things, we conceive it impracticable for the Lords Petitioners to name all the Persons who may be concerned in those illegal Proceedings ; for although the Offers of Places, Pensions, and other Gratuities, must be presumed to come from Persons in Power, yet such Offers may reasonably be supposed to be convey'd by Under-Agents ; and we must also observe, that if those Under-Agents should be publicly named before Examination, they may either be prevail'd upon to abscond, or to take the whole upon themselves, to screen Offenders of higher Rank.

We must further declare, it is our Opinion, that such corrupt and dark Designs as are specify'd in the Answer, may have been carry'd on with that Secrecy and Dexterity, that although a moral Certainty may appear of their having been executed, the Persons concerned in the Execution may never be discovered ; yet this good Effect might have arisen from the Enquiry, that the Legislature would have found Means to prevent such pernicious Practices for the future, and even in that Case, the Lords Petitioners, by bringing this Affair before the House, would have done a real Service to the Peerage of *Scotland*, to this high Court of Judicature, and to the whole united Kingdom.

2. Because we can no ways conceive, that the going on upon this Examination, without having the Names of the Persons produced, could be attended with any possible Injustice to, or Hardship upon, those who might afterwards be named by the Evidence ; on the contrary, we are persuaded, that such Persons would have an Advantage which could not happen in any other Course of Proceeding, the whole Matter of the Accusation would lie open to them, the Witnesses against them would be known, who could not afterwards be suffered to vary from

from their Testimony, and the House would in Justice allow such Persons a full Time to answer the Accusation, and to bring up Witnesses (if necessary) to prove their Innocence. Neither is this looked upon as an Accusation at present; for (as it was justly observed) there are no Accusers, nor Persons accused, but we apprehend it to be the most proper Subject for a Parliamentary Enquiry, that can possibly be brought before this House.

3. However, it may be necessary in the Course of other Proceedings, whether upon Impeachments or Appeals brought before this House, that all the Persons concerned should be named, we can by no Means think it necessary to upon an Enquiry, no final Sentence being then to be given, and those Rules which are consistent with Justice in the former Cases, must, in our Opinion, tend to obstruct all Justice in the latter: We cannot conceive that an innocent Person, who should happen to be named in the Course of such an Examination, can possibly be deprived of the Means of making his Innocence appear: But we can well foresee, that guilty Persons (and those probably of the highest Rank) may escape by such a Method, which, imposing an Impossibility on the Informants, must, as we apprehend, tend to defeat all Parliamentary Enquiries; and therefore could not be, in our Opinion, within the Intention of the Order.

4. Because the Matters specify'd in the Answer, are of such a Nature as seem only proper to be examined in this House; and had the Lords Petitioners sought a Remedy any where else, they might have been justly censured: We apprehend therefore, that the pinning them down to the precise Words of the Order, may be attended with this fatal Consequence, that all Parliamentary Enquiries may be render'd much more difficult hereafter, which may probably give such Encouragement to corrupt Ministers, that they may be prompted to make the most dangerous Attempts upon the Constitution, and hope to come off with Impunity: Such Apprehensions naturally suggest the melancholly Reflections, that our Posterity may see the Time when some of those Lords, who sit upon a more precarious Foot than the rest of the House, having, through Motives of Virtue and Honour, opposed the evil Designs of some future Minister, for that, and that alone, may be excluded at an ensuing Election; and though the whole World may be sensible
of

of the Cause of their Exclusion, no Remedy may be found, but their Case may become a Subject of national Concern, Indignation, and Resentment.

Scarsdale,	Strafford,	Litchfield,
Bruce,	Abingdon,	Beaufort,
Bolton,	Boyle,	Denbigh,
Warrington,	Thanet,	Cobham,
Bedford,	Berkshire,	Bridgwater,
Suffolk,	Aylesford,	Anglesea,
Shaftsbury,	Gower,	Bathurst,
Chesterfield,	Huntingdon,	Haversham,
Craven,	Masham,	Northampton,
Coventry,	Grahame,	Macclesfield,
Foley.		

Immediately after this Resolution was agreed to, a Motion was made to order, That the Petition be dismissed.

The Argument for the Motion was in Substance as follows, viz.

My Lords,

WHEN the Petition now before us was first presented, I was of Opinion, that it was conceived in such general and obscure Terms, as not to deserve, on its own Account, the least Countenance or Consideration from this House; and I am persuaded it was not on Account of any Matter contained in the Petition, that your Lordships did not reject it immediately, upon its being presented. The Regard you have been pleased to shew to it, was certainly on Account of the noble Peers who sign it, and in this I heartily concurred, because for all of them I have the greatest Esteem: For this Reason your Lordships were pleased to indulge them with an Opportunity to explain themselves, and to clear up that Obscurity in which their Petition was involved. This Indulgence they have made Use of, and in Obedience to your Lordship's Order, they have endeavoured to explain themselves; but that Explanation is, in my Opinion, as general, and as obscure as the Petition which is thereby intended to be explained: Nay, in my Opinion, the Petition, and the Explanation, or Answer to your Lordships last Order seem to be a little inconsistent; for in the Petition they complain of undue Practices, and say that they were ready to lay before us

S

Instances

Instances and Proofs of those undue Practices ; yet when we desire them to give us some of the Instances of those Practices, and gave them all the Time they could desire for that Purpose, they give us no one Instance of any undue or illegal Practice ; they give us only some general Surmises, and tell us they cannot be more particular without stating themselves as Accusers or Witnesses ; so that their Complaint is now as obscure as it was at first, and there is now less Reason to believe that there ever were any such Practices as they complain of.

Notwithstanding the Obscurity of the Petition, notwithstanding the Inability of the Petitioners to give us any Instances of the illegal Practices they complain of, yet, my Lords, the Practices so obscurely hinted at, seem to me to be of such a dangerous Nature, and to affect the Honour of this House in so tender a Point, that I should readily agree to the enquiring into them, if from the very Nature of the Thing there did not appear to me sufficient Ground to believe that no such Practices were ever made Use of ; for if it could be presumed, that any such undue Methods, or illegal Practices, were ever made Use of at the last Election, that Presumption must arise from the Characters and Circumstances of the Persons chosen, compared with the Characters and Circumstances of the unsuccessful Candidates : If the Sixteen noble Lords chosen to represent the Peerage of *Scotland*, or any of them, were Persons of a bad Character, Persons of inferior Families or Fortunes, or Persons of no Merit, it might be supposed, that some undue Methods had been made Use of to get such Persons returned as the Representatives of the Peerage of *Scotland* in this House : But this is not the Case at present ; the noble Peers who were chosen, and who, in Consequence of that Choice, have now Seats in this House, are Noblemen of as great Families, and of as large Properties, as any in *Scotland* ; and as to their Personal Characters and Merit, there are none of them that have ever been in the least suspected of any Disaffection to his Majesty's Government or Family ; and the Qualifications and Merit of every one of them are so well known, that it is needless for me to enlarge upon them : Nay, I will avoid it, because they are present ; for I very well know, that even the most just and the most elegant Encomiums are offensive to the Ears of Persons of real Merit ; and that the more Merit they have, the more offensive always will that Praise be which is uttered in their Presence.

Thus, my Lords, as no Presumption of any illegal Practices having been committed, can be drawn from the Nature of the Case before us, and as the Petitioners, notwithstanding the Indulgence granted them, have not been able to give us any Instance of such Practices, nor even Surmises, but such as are so general, that they cannot give the least Foundation for any Accusation, much less can they give a Foundation for your Lordships to bring the Character of any Person in Question; therefore I must conclude that no such Practices were committed, and the necessary Consequence of this must be, to dismiss the Petition.

But further, my Lords, the Petitioners do not even seem willing to comply with your Lordships Order; for though they could not, perhaps, have mentioned all the Persons, that might, from the Examination of Witnesses, have appeared guilty of the Practices they complain of; yet, surely, if any such Practices were made Use of, some Persons must be suspected, at least, to have been guilty of them, and the Petitioners must have heard who they were that were suspected to have been guilty; the Names of those Persons the Petitioners might, and certainly would have given us, if they had intended to have comply'd with your Lordships Order; and their not doing so, I must look on as a Contempt of, or at least an Unwillingness to comply with your Lordships Order; the natural Consequence of which must in all Cases be, to dismiss the Petition of those who shew any such Contempt or Unwillingness. This the Petitioners were sensible of, and therefore they, in the Answer now before us, endeavour to excuse themselves by saying, that they never intended to state themselves as Accusers of any Person whatever: Upon which I must observe, that if they do not intend to state themselves as Accusers, I do not see how we can state ourselves as Judges; for we cannot certainly act the Part both of Accusers and Judges; nor ought we, I think, in any Affair, act the Part of Grand Jury and Judge, which would really be the Case in the present Affair, if we should first examine Witnesses towards finding out who are the Persons guilty, and then to sit as Judges to try, and pass Sentence upon the Persons, against whom any Suspicion of Guilt shall by such Enquiry be made appear. From all which, my Lords, I must think, that we neither can nor ought to proceed further upon the Petition before us; and unless your Lordships have a Mind to submit to have the Orders

of this House contemned, or at least explained in such Manner as Petitioners shall think fit, I am sure you ought to dismiss it, therefore I must move your Lordships to order, That the Petition be dismiss'd.

To this it was answer'd in Substance as follows, *viz.*

My Lords,

A GAINST the Motions formerly made in the Affair before us I spoke with Surprize, but against that now made I speak with Concern: The present Motion does not indeed surprize me, for it is what I expected, and what I easily perceived was intended by the Motions already made; and as they were agreed to by this House, I am now obliged to think they were right: But the Affair in Hand, the Petition now before us, is a Matter of so great Consequence to the Honour and Dignity of this House, to the very Being of our Constitution, that it is with the deepest Concern, it is with the deepest Sorrow, I hear a Motion made in this House for dismissing such a Petition; and that upon no other Foundation, but because the Petitioners have not comply'd with an Order of this House, in a Particular in which they have, I think, very evidently shewn it was impossible for them to comply: And my Sorrow is still heighten'd by what I have observed in the Debate; for every Lord who has spoke upon one Side in this Affair, have made Use of Arguments to shew that it is improper or unnecessary for this House to enter into any Enquiry about the illegal Practices complain'd of; so that if the Motion now made be comply'd with, it is the last Time I expect to hear any more of the Affair now before us in this House; and therefore I hope your Lordships will excuse me if I repeat and endeavour to enforce some of the Arguments made Use of for shewing the Necessity, as well as Regularity, of making a strict Enquiry into this Affair, and to answer some of the Objections started upon this Occasion,

By the Arguments made Use of upon this Occasion it really seems to be the Opinion of some Lords, that this House ought never to enquire into any illegal Practices, if by such Enquiry an Impeachment, or any other Parliamentary Proceeding, may become necessary for the Punishment of private Men; because we are not, 'tis said, to state ourselves both as Accusers and Judges; we are not to act the Part both of Grand Jury and Judge.

But

But this Argument, as it has no Foundation either in Law or the Custom of Parliament, I hope will never prevail. It is well known, my Lords, that by an Enquiry, we neither state ourselves as Accusers or Judges, we neither act the Part of Grand Jury or Judge ; we act no Part but that of the Guardians of the Lives, the Liberties, and the Rights of our Fellow Subjects ; and this Part, I hope, this House will never refuse to act upon any Occasion. If, upon any such Enquiry, a Prosecution becomes necessary, the Custom has always been, for some Lord to stand up in his Place, and impeach in Form those who are suspected to be the guilty Criminals, or otherwise we desire a Conference with the other House, and at that Conference we communicate to them what Discoveries we have made by our Enquiry ; whereupon the other House becomes the Accuser, they act the Part of the Grand Jury, and then we assume the Character of Judges. This is the Method of preceeding in Parliament, and this Method has been so often practised, and is so well known, that I am surpris'd to hear any such Argument made Use of against an Enquiry into the illegal Practices now complained of.

As we may enquire into any Sort of illegal Practices, without stating ourselves as Accusers or Judges ; so an Enquiry may, in this House as well as in the other, proceed from, or be founded upon common Fame, upon the Motion of any Member when seconded, or upon the Petition of the Sufferer by such Practices. I shall grant, my Lords, that we are not to depend on, or to be directed by vulgar Rumours, or general Clamours ; because illegal Practices are generally reported and loudly exclaimed against, we are not to conclude that they are certainly true ; but I will say, my Lords, that a general Clamour is not only a Foundation for an Enquiry, but such a Foundation as we are obliged, both in Honour and Duty, to lay hold on ; and in that Enquiry we ought first to examine strictly into the Truth of the Practices complained of, and punish severely the Offenders, if the general Report be found to be true ; but if we find it to be entirely groundless, we ought then to enquire into the Authors of it, in order to punish those who disturb the Nation by such artful and groundless Reports. General Clamours ought never to be contemned, the People ought to be satisfy'd ; it is one of the chief Ends of our meeting in this House ; and in such Cases there is no Way of satisfying the People, but a strict Enquiry,

Enquiry, and a severe Punishment upon the Guilty; for guilty Persons there must necessarily be, upon all such Occasions, either of one Side or the other.

That Enquiries have been set up in this House upon a bare Motion is not to be controverted, because the Enquiry already mentioned, in Relation to the *South-Sea Company*, had no Foundation but a bare Motion, which was, indeed, supported by a general Clamour of unfair Practices, but was without any particular Suggestion of Fraud: And by that Enquiry, my Lords, some very odd Practices did appear; but the Enquiry's ending as it did, was very far from proceeding from our having gone rashly into it, but from our not going so far as we ought to have gone; for we found the Affair we had resolved to enquire into, so blended with the other Affairs of that Company, that there was no getting to the Bottom of it, without a general Search into all the Affairs of that Company, from the Year 1720: This general Search, your Lordships must remember, was proposed, and if it had been agreed to, I am convinced, that Enquiry would not have ended so smoothly as it did. But that there was any Thing more particular, either with Respect to the Thing to be enquired into, or the Persons who might suffer by it in that Enquiry, than in what is now proposed, I am surprised to hear; for as to the Thing to be enquired into, it is very certain, that there was not one Instance of Fraud, or of any Thing that was illegal, so much as mentioned: The only Thing proposed to be enquired into, was the Disposal of a Sum of Money, and if the Proposition now made had been only to enquire into the late Election of Peers for *Scotland*, without mentioning any illegal Practices, it would have been in this Respect no more general than that Enquiry; but as it stands at present, it is certainly much more particular.

Then as to the Persons; it is very certain, no Man was in that Case particularly named, or particularly described; there were many others, who might have been concerned in the Frauds beside the Directors, some of their Superiors, some of those who direct the Directors, one of the Directors of the Nation might perhaps have been found to have been concerned, and if any Frauds had been discovered, it would very probably have been found that some inferior Persons, some of the Servants of that Company had been likewise concerned, for Directors seldom act without Tools; and
it

it would have as probably been found, that some of the Directors were entirely innocent, unless this House had resolved to make another Precedent of doing Justice by the Lump, which I hope we shall never again have any Occasion for; so that there is not the least Pretence to say, that the Persons, who might appear to be guilty, were in that Case any Way more particularly known than they are in the present: On the contrary, the Persons guilty in the present Case, if there are any, are much more particularly pointed at: In the present Case, there could be no inferior Persons concerned, they must be Persons of some Rank in the World; some of them must be Persons who have a great deal more of his Majesty's Ear than they deserve, and much more than this House ought to permit them to enjoy: It cannot be supposed that such mean Persons, or such a Number of Persons, were concerned in the illegal Practices now complained of, as must have been supposed to have been concerned in the Management and Direction of the *South-Sea Company's Affairs*; and therefore it must be granted, that the Persons who may, by an Enquiry, be found to be guilty; are much more particularly pointed to in the present Case than they were in the other.

That Parliamentary Enquiries have been often founded on a Petition from the Persons injured, will not, I am sure be controverted. The Enquiry into the *South-Sea Company's Affairs*, after the famous Year 1720; the late Enquiries into the Affairs of the *Charitable Corporation*, and the *York Buildings Company*, are so many recent Testimonies of this Custom: But, my Lords, was it ever before desired or insisted on, that the Petitioners should give particular Instances of the Frauds or illegal Practices they complained of? Was it ever insisted on, that they should give the Names of the particular Persons they supposed to be guilty? No, my Lords, it never was; and shall the Petitioners, in the present Case, because they are Men of as high Quality, and as much injured as any that ever presented a Petition to Parliament; because the Injury they complain of, is of as high and as dangerous a Nature, as any that was ever complained of to Parliament; and because the Practices they complain of are as generally believed, and as much exclaimed against as ever any Practices were in this or any other Nation; shall they, I say, for these Reasons be obliged to do more than was ever desired of any Petitioners? Shall their

their Petition be rejected, unless they will subject themselves to the Trouble, the Expence, and the Danger of becoming the actual Accusers of those they suspect to be guilty?

What is at present meant by our own Judgment or our own Opinion, I cannot comprehend; I hope every one of your Lordships will vote in this Affair as you do in every other, according to your own Judgment, and not according to the Judgment or Direction of any other Person, either without Doors or within. What some Lords may suppose to be necessary, towards forming a Judgment of their own in the present Case, I do not know; but I am very sure that in private Life, if a Gentleman should relate a Fact, and say he had it from such Authority as he could depend on, it would not be consistent with common Decency to tell him, I can give no Credit to what you relate, nay, I will not so much as be at the Pains to enquire into the Truth of it, unless you give me your Authority. Consider, my Lords, what are the Authorities to be given in the present Case, and the only Authorities that can be given. The noble Lords the Petitioners have told us, that they have certain Information of undue and illegal Practices made Use of, towards engaging Peers to vote for a List at the last Election: The only Authority they can give for this Allegation, is the Persons who told them so, and those are the very Persons they desire to have examined at your Lordships Bar: Surely your Lordships would not have them to give you that Authority at present, you would not have them now to give you the Names of their Informers; that would indeed be a Discovery of Evidence, the most open that was ever made, and more open than was ever desired from any Plaintiff in this World: This therefore, is not surely that the noble Lords would have towards assisting them to form a Judgment of their own in the present Case; and yet if this be not what they want, I really cannot comprehend what they would have.

In all Cases, my Lords, where a Parliamentary Enquiry has been petitioned for, the Members never had, nor ever desired any Thing towards forming a Judgment, whether the Enquiry was necessary or no; but only the Character and Credit of the Petitioners, and the Nature of the Case as it was represented in the Petition. In the present Case, the Character and Credit of the Petitioners are as much to be depended on, as the Character

rafter and Credit of any that ever were Petitioners in either House of Parliament; and what they relate is rendered still more probable by the very Nature of the Thing, and by the Experience of past Elections, ever since the Union. I have a great Regard for the Sixteen noble Lords, who now represent the Peerage of *Scotland* in this House; I know they are Noblemen of great Worth, and of as great Families and Properties as any in *Scotland*: But this is not the Case in Question; and if we look back upon all former Elections in *Scotland*, we must think it very strange, that the Sixteen Peers chosen, have always been of Ministerial Complexion, almost without Exception; and if the Complexion of any of them altered during the Continuance of Parliament, we have always found them left out at the next Election; nay, upon all Changes of Ministers, we have found the Election of the Peers in *Scotland* take a new and a general Turn: This could not, in my Opinion, have happen'd, without something of a very extraordinary Ministerial Influence on that Election; and this extraordinary Influence cannot be obtained without some undue Methods and illegal Practices; nay, it is natural to suppose, that if he is not a Man of more Virtue than Ministers usually have, a Minister will always make Use of the Power and the Favours of the Crown, which are at his Disposal, to get such a Set of Peers returned from *Scotland* as he shall approve of; so that, from the Nature of the Thing, as well as from past Experience, we have all the Reason in the World to believe, there have been some illegal Practices made Use of at the last Election; and as the Honour of this House, as well as the Preservation of the Constitution, is deeply concern'd in preventing such Practices; as such Practices cannot be prevented by our ordinary Courts of Law, an Enquiry into this Affair is now, I think, become absolutely necessary.

As I have been surpris'd, at many Things I have heard in the Course of our Debates on this Affair, so, my Lords, I am not a little surpris'd at hearing it still insisted on, that the Petitioners have given us no Instances of any illegal Practices, nor any Information but what we knew before. Could any of your Lordships, could any Man breathing suppose, that Men would have been so audacious as to make Use of his Majesty's Name to over-awe the Election of the Sixteen Peers for *Scotland*? Or that they would have dared to say, that his Majesty ever intermedled

termeddled in Elections, or approved of one List, or of one Candidate more than another? Is not this an Instance of the most dangerous and the most criminal Nature? Threats of private Malice or Revenge might have been used, and even the making of such would have been a high Misdemeanour; but in Matters of Election, to threaten Royal Resentment, is, in my Opinion, High-Treason. Such a Practice I cannot but speak of with Awe, because of the great Name that was used; but it is a Practice I will speak of with Indignation, because of the great Name that was thereby abused: To make Use of the King's Name for supporting or Recommending a List made up by Ministers, was a most abominable and a most treasonable Practice. His Majesty's Name ought never to be mention'd in any Thing, but what is as pure and as incorrupted as the Gold on which his Image is stamp'd; and to mix any Base, or any ministerial Metal, with what bears the Sacred Name of Majesty, is certainly a most heinous Crime, it is the most treasonable Sort of false Coining. The Honour and Dignity of this House call upon us for an Enquiry; the Preservation of the Constitution, and the general Voice of the People, call upon us for an Enquiry; the whole Peerage of Scotland, which has been so much injured, calls upon us for an Enquiry; and this Instance shews us, that if we have a due Respect for the Honour and Safety of the King, which all your Lordships certainly have, we must immediately enter upon an Enquiry.

If any undue Influence was made Use of upon an Election, it was very unnatural, my Lords, to suppose that it chiefly consisted in Bribery: But could any Man suppose, that the Offices and Employments under the Crown, or the Munificence of the Crown, which ought only to be the Reward of Virtue and publick Service, would have been made Use of to corrupt Voters at an Election for Parliament? Or that the Money and Estate of the Crown, that which ought to be apply'd only to the Support of the Honour and Dignity of the Royal Family, would have been converted to the Destruction of the Constitution? This is not only Bribery, but the most treasonable, the most terrible Sort of Bribery. In this Respect, then, the Petitioners have told us what we did not know, what none of us could suppose; and of this they have given us Instances in as particular a Manner as it was possible, without a Discovery of Evidence, or stating themselves as Accusers of particular Persons, neither

neither of which was ever desired of those who petitioned for a Parliamentary Enquiry.

The Grievance now complain'd of, my Lords, is far from being new or unexpected ; even at the Time of the Union it was apprehended, that the Election of the Sixteen Peers for *Scotland* would always be under the Direction of the Ministers for the Time being : What has since happen'd has sufficiently shewn that those Apprehensions were not without Foundation ; and if this Petition should be rejected, it may be expected, that the Election of the Sixteen Peers for *Scotland* will soon come to be like the Elections of our Bishops ; a *Conge d'Elire* will issue, and will as punctually be comply'd with in the one Case as in the other. But the Condition of the Peers for *Scotland* will be much worse than that of the Reverend Bench ; for the Reverend Lords the Prelates have their Seats in this House for Life, even the King cannot take that Honour from them ; whereas the Peers for *Scotland* must always depend upon the Ministers for the Continuance of their Seats in this House, and will be stripp'd of that Honour as soon as the Parliament is dissolved, if they ever refuse to vote according to ministerial Direction.

A Parliamentary Enquiry does not seem to me, my Lords, to be attended with any grievous Consequences, as has been represented. It may, 'tis true, put some private Gentlemen to some Trouble and Expence ; but as the Safety of their Country is in such Enquiries generally very much concerned, I am sure it is in this ; therefore that Trouble and Expence ought not, I am persuaded it will not be regarded : And as to the putting the Nation in a Ferment, I am sure, in the present Case, our going upon an Enquiry, will put the Nation into no Ferment ; but our refusing to make any Enquiry will certainly put the whole Nation, and particularly *Scotland*, into a very great Ferment. We ought to consider, my Lords, the Danger the whole Nation was exposed to, by a most unjust Rebellion raised in that Country against his late Majesty ; but if the Peers of that Country should find themselves oppressed by a Minister, and should find that no Justice could be expected from this House, it may raise another Rebellion, or rather an Insurrection in that Country ; and as they would then have Truth and Justice of their Side, it would naturally procure them the Hearts of all the People of *England*, and, I am afraid, most of the Hands.

If the Petition now before us, my Lords, were a Petition that regarded only the Rights or the Privileges of the Petitioners, their not having complied with your Lordships Order in the most full and ample Manner might perhaps be a Reason for your dismissing the Petition; but as it regards the Honour and Dignity of this House, as much as it does the Rights and Privileges of the Petitioners, your Lordships ought not, you cannot I think in Honour dismiss the Petition, on Account of their not having complied fully and exactly with your Order: On the contrary, you ought, in my Opinion to retain it, that it may serve as the Ground-work of an Enquiry; and tho' you cannot now have from the Petitioners all the Information you desire, you ought, in the carrying on of that Enquiry, to take all the Information and Assistance they can and are willing to give you, with Respect to the Witnesses it may be proper to examine upon that Enquiry. If by this Method any illegal Practices should be discovered, if by their Assistance any great Criminals should be brought to condign Punishment, and thereby the Honour and Dignity of this House vindicated, and the Independency of Parliament secured, they will highly deserve, not only your Lordships Excuse for their Non-compliance with your last Order, but your Lordships Thanks for the Service they have done to their Country; and therefore I hope the noble Lord will wave his Motion, and let us proceed to the appointing a Day to enquire into the illegal Practices complained of by the whole Nation in general, as well as by the Petitioners in particular.

To which Answer was made the following Reply.

My Lords,

ACCORDING to the Method we have lately fallen into, I am afraid, we shall never be able to come to the End of any Debate. If upon every new Motion in any Affair, Lords shall take the Liberty to enter into former Debates, to resume all the Arguments they have, upon former Motions, made Use of, and find Fault with those Orders and Resolutions, which have been not only agreed to, but agreed to by a great Majority of this House, this will naturally provoke other Lords to justify what they had before given their Consent to; this may probably occasion a Reply,
and,

and, at this Rate, we shall have the whole Business of the Session, perhaps, brought in and repeated in every new Debate: I hope every one of your Lordships will consider, what an endless, intricate Labyrinth this may involve us into, and will therefore keep a little more close to the Question in Hand.

My Lords, in the present Affair, your Lordships made an Order, that the Petitioners should lay before this House in Writing, Instances of those undue Methods and illegal Practices upon which they intended to proceed, and the Names of the Persons they suspected to have been guilty of such undue Methods and illegal Practices; and for this Purpose, your Lordships gave them such a sufficient Time, that even they themselves have not found Fault with it: This Order they have not complied with, your Lordships have already, by a great Majority, resolved, that they have not complied with it; and is not the dismissing of their Petition a natural Consequence of that Disobedience in them, and of this Resolution which your Lordships have already agreed to? I shall not, my Lords, enter into a Vindication of that Order, or of that Resolution, because I should thereby fall into that Error which I find Fault with in others: But allow me to say, my Lords, that the Petitioners might have told us who it was, or at least who they suspected it was, that made Use of the King's Name for inducing any Lord in *Scotland* to vote for a List, and they might have told us, who it was that promised, or gave Money or other Reward for voting for a List, without telling us the Names of the Persons with whom such Arguments were made Use of; and this I am persuaded your Lordships were fully convinced of, before you agreed to that Resolution you have just now come to.

As the dismissing of the Petition is therefore a natural Consequence of the Resolution your Lordships have agreed to, I cannot see, my Lords, why it should give any Lord in this House so great a Concern; for tho' the Practices complained of, are such as certainly do affect the Honour and Dignity of this House, and the Independency of Parliament, if there are any good Grounds to suspect that such Practices were actually made Use of, your Lordships may, notwithstanding your dismissing the Petition now before you, fall upon many Ways of enquiring into those Practices: I believe I could myself propose a very proper Method,
for

for your Lordships to enter upon such an Enquiry, if I thought there was a Necessity for any such. The Consequence therefore of the Practices complained of, or the Necessity that there may be for enquiring into those Practices, can be no Argument against our dismissing the Petition now before us; and in Order to act consistently with the Orders and Resolutions we have already agreed to, we cannot, in my Opinion, avoid dismissing it, for which Reason I shall agree to the Motion the noble Lord has been pleased to make.

When the Question was just going to be put, the Earl of S——d stood up and spoke to this Effect.

My Lords,

THE Motion now before us, is so far from being a natural Consequence of the Resolution agreed to, that it is directly contrary to the usual Method of proceeding in this House, and in all the Courts of Justice in the World. In the whole Course of this Affair, your Lordships have hitherto gone very much into the Methods of *Westminster Hall*, and therefore I hope you will follow them throughout the whole of the Affair now before you: In all the Courts below, the first Order they make in any Case is seldom or ever absolute and peremptory: If their first Order is not complied with, they generally make a second, sometimes a third, which is called a peremptory Order; but even with Respect to the most peremptory Order, if the Party who is to comply with it should make some Sort Compliance, but by Mistake should not comply with it so fully as he ought to do, surely the Court will give him an Indulgence, and would assign him a new Day for rectifying that Mistake, especially if he should shew to the Court a plausible Reason why it was not in his Power to comply fully with their Order.

This, my Lords, is the Method of proceeding in all the Courts below, and this is the constant Method of proceeding in this House. I remember, when this Affair came first before us, some noble Lords were mighty fond of making it a Cause; and if we look upon it as a Cause, the Motion now before us is very far from being a natural Consequence of the Resolution agreed to: Do not we, my Lords, in all Appeals, make an Order for the Respondent to put in his Answer against such a Day? But that Order is never absolute and peremptory; if

if the Respondent fails to comply with it, your Lordships never proceed to hear the Cause *ex parte*, you always make a new Order, for the Respondent to put in his Answer against such another Day, which in that Case is called a peremptory Day; therefore, if your Lordships are not satisfied with the Answer already given in by the Petitioners, I hope the noble Lord will wave the Motion he has made, and agree to that I now make you, which is, To adjourn the Consideration of this Petition to this Day se'nnight, and to order, that the Petitioners, may, against that Day, put in a further Answer to your Lordships last Order.

But the former Motion being insisted on, the Question was put upon it, which on a Division was agreed to by 99 to 52, Proxies included.

After which, the Petition was, by the Forms of proceeding in that House, of Course rejected.

Upon the Motion's being agreed to, for dismissing the Petition, the following Protest was entered upon the Journals of that House, *viz.*

Dissentient

1. **B**ECAUSE, though the Lords Petitioners have not literally complied with the Order, according to the Sense of this House, yet they have laid before us Facts, that are of so criminal a Nature in themselves, and so dangerous in their Consequence to the Nation in general, and to this House in particular, that we think a due Regard to the Safety of the one, and the Honour of the other, required the strictest Examination.

2. For when we consider the first Instance in the Answer of the Lords Petitioners, *viz.* That the List of Sixteen Peers for *Scotland* had been framed by Persons in high Trust under the Crown, long previous to the Election itself, and that this List was shewn to Peers, as a List approved of by the Crown, and was called the *King's List*: We are filled with Indignation, to see that great Name indecently blended with the Humour of Ministers, and prophaned and prostituted to the worst Purposes; Purposes that must necessarily tend to the Subversion of our Constitution, which we know it is his Majesty's Glory and Desire to preserve. Such a criminal Attempt to skreen, or facilitate a Ministerial Nomination by the Interposition (equally false and illegal) of his Majesty's Name, calls, in our Opinion, for the strictest Enquiry, and the severest Punishment upon

upon the Authors of the Fact, if it be proved, or the Asserters of it, if it be not; but is, in our Opinion, no Way to be dropt unexamined and unenquired into; such a Precedent may, in future Times, encourage the worst of Ministers to load with his Guilt the best of Princes; the borrow'd Name of his Sovereign may at once become his Weapon and his Shield, and the Constitution owe its Danger, and he his Defence, to the Abuse of his Prince's Name, after a long Abuse of his Power.

3. Because the following Instances, [*viz.* That Endeavours were used to engage Peers to vote for this List, by Promise of Pensions and Offices Civil and Military, to themselves and near Relations, and by actual Promise and Offers of Sums of Money. That Sums of Money were actually given to or for the Use of some Peers, to engage them to concur in voting for this List. That annual Pensions were promised to be paid to Peers, if they concurred in the voting for this List; some of them to be on a regular Establishment, and others to be paid without any Establishment at all. That about the Time of this Election, Numbers of Pensions, Offices, (of which several were nominal) and Releases of Debts owing to the Crown, were granted to Peers who concurred in voting for this List, and to their near Relations.] seem in the highest Degree to affect the Honour and Dignity of this House; since untainted Streams can hardly be expected to flow from a corrupted Source; and if the Election of Sixteen Peers for *Scotland* should ever, by the foul Arts of Corruption, dwindle into a *Ministerial Nomination*, instead of Persons of the first Rank, greatest Merit, and most considerable Property, we may expect, in future Parliaments, to see such only returned, who, owing their Election to the Nomination of the Minister, may purchase the Continuance of their precarious Seats, by a fatal and unanimous Submission to his Dictates. Such Persons can never be impartial Judges of his Conduct, should it ever be brought in Judgment before this great Tribunal.

4. Because the last Instance mentioned, [*viz.* That, on the Day of Election, a Battalion of his Majesty's Forces was drawn up in the *Abbey Court* at *Edinburgh*, and three Companies of it were marched from *Leith* (a Place at one Mile's Distance) to join the rest of the Battalion, and kept under Arms from Nine in the Morning 'till Nine at Night, when the Election was ended; contrary

contrary to Customs at Elections, and without any Cause or Occasion that your Petitioners could foresee, other than the over-awing of the Election.] We apprehend to be of the highest Consequence both to our Liberties in general, and the Freedom of Elections in particular, since, whatever may have been the Pretence, whatever Apprehensions of Disorders or Tumults may have been alledged in this Case, may be equally alledged on future Occasions; especially as we have a Number of regular Forces abundantly sufficient to answer such Calls; and we apprehend, that the Employment assigned to this Battalion will give great Distrust and Uneasiness to many of his Majesty's Subjects, who will fear what Use may be made of the rest of that very great Number of Men now kept up in this Nation.

5. Because we conceive, that such a Treatment given to a Petition, that contained an Information of Matters of so great Importance, and signed by Peers of such Rank, Honour and Veracity, must, in future Times, discourage all Informations of the like Nature.

Tho' all the Lords declar'd their Design of examining into the Bottom of these important Facts; and tho' we should acknowledge ourselves to be persuaded, that it was their real Intention, we very much doubt whether the World will judge with the same Candour, and not rather impute this Dismission of the Petition to an Unwillingness in this House to enquire into Facts that are in their Nature so injurious to the Crown, so destructive of the Honour of Parliaments, and so dangerous to the whole Frame of our happy Constitution.

Scarfsdale,	Craven,	Aylesford,	Cobham,
Bruce,	Coventry,	Gower,	Bridgwater,
Bolton,	Foley,	Huntingdon,	Anglesea,
Warrington,	Strafford,	Masham,	Bathurst,
Bedford,	Abingdon,	Grahame,	Haversham,
Suffolk,	Boyle,	Litchfield,	Northampton,
Shaftsbury,	Thanet,	Beaufort,	Macclesfield.
Chesterfield,	Berkshire,	Denbigh,	

The House having been silent for some little Time after this Division, at last the Earl of *Ab———n* stood up, and said in Substance, That the Affair they had been upon was a Matter of such Consequence, that he thought it ought not to be entirely dropt: That in their former Debate a noble Lord, who was for dismissing the Petition, had told them, that tho' the Petition should be dismiss'd,

he could put them in a Way of enquiring into the illegal Practices complained of; and therefore he hoped that noble Lord would stand up, and propose some Method for their entering upon an Enquiry into that Affair.

Upon this the Earl of I——a stood up, and spoke to this Effect: I believe, my Lords, the noble Lord has misapprehended what I said in the former Debate; for I did not say, nor could mean to say, that I would put your Lordships into a Method of enquiring into all the illegal Practices complained of, because I never did, nor do yet believe, that there ever were any such Practices made Use of, except as to the Regiment, which is said to have been kept under Arms during the Time of the Election; that I believe there may be some Truth in. That, as I have said before, I wish your Lordships would enquire into, and if you have a Mind to enter into any such Enquiry, I believe I may be able to contrive some proper Method for that Purpose; but as I have not yet turned much of my Thoughts that Way, I cannot say that I am just now prepar'd to offer any Thing even upon that Head to your Lordships Consideration, nor do I think it absolutely necessary to be done this Night.

Then the Earl of Ab——n stood up again, and spoke in Substance thus, *viz.* My Lords, since the noble Lord who spoke last has declin'd to offer any Method to your Lordships Consideration, give me Leave to offer something which will naturally bring you into a Method of making an Enquiry into the Affair you have had before you. I have, my Lords, in my Hand a printed Paper, a Sort of a Pamphlet, at least I bought it at a Pamphlet-shop, where it was publickly sold, and it is entitled, *The Protests of a great Number of noble Lords, entered by them at the last Election of Peers for Scotland: Whether or no there were any such Protests then entered, is what I cannot pretend to inform your Lordships of; but if there were any such, it is incumbent upon your Lordships to enquire into the Practices there complained of, and if no such Protests were entered, it is an Indignity offered to the Peers of Scotland, whose Names are pretended to be put to them; it is an Indignity offered to the Sixteen Peers of Scotland now in this House, to publish any such Forgery; therefore the Publishers ought to be enquired into, and ought to be brought under the Censure of this House; for which Reason I desire, my Lords, that this printed Paper, or Pamphlet may be read.*

The Earl of S——gh said, He thought it was something very extraordinary to desire a Pamphlet to be read at their Lordships Table: It was at all Times below the Dignity of that House to have a Pamphlet read at their Table; but to desire any such Thing when it was so late was still more improper, therefore he hoped their Lordships would adjourn.

The Earl of Ab——n stood up again, and spoke thus: My Lords, it is so far from being below the Dignity of this House to have a Pamphlet read at your Table, that it is not only an usual Practice, but it is a Right that every Lord has, and may insist on. It is a common Practice, my Lords, when any Lord of this House thinks that his own Honour, the Honour of this House, or the Honour of any Peer of *Great-Britain* is reflected on, by any Pamphlet that has been published, to make his Complaint to the House, and he has a Right to have what he complains of read at your Table. Upon such Occasions I know it is usual, to point out the particular Paragraphs, or Sentences, in the Pamphlet complained of, and to desire that they only may be read at the Table; but in the Pamphlet I now complain of, every Paragraph is worthy of your Lordships Consideration, and as it is but short, as it will take up but very few Minutes of your Time, I desire the Whole may be read.

The Earl of A——rd spoke next, in Favour of the Motion; but several other Lords still insisting, that a Pamphlet ought not to be read at that Table, the Lord B——st stood up and spoke thus, *viz.* My Lords, since your Lordships do not seem inclined to have a printed Paper read at your Table, I shall offer you one in Writing. I can inform your Lordships, that such Protests as are mentioned in that printed Paper, or Pamphlet, which has been dispersed over the whole Kingdom, were actually entered upon the Journal of the last Election of Peers for *Scotland*, and were signed by a great Number of the Peers of that Kingdom: Of those Protests I have now in my Hand an authentick Copy, a Copy taken from the Register or Journal of that Election, signed by the two principal Clerks, and witnessed by two Gentlemen, who are now attending in the Lobby, and ready to declare, upon Oath, at your Lordships Bar, that they collated it with the Journal, and that it is a true Copy: The reading of this at your Lordships Table, I hope you will not think below the Dignity of this House; and as I think it inconsistent with the Honour of this House to

U 2

adjourn,

*Near Ten o'Clock
at Night.

adjourn, notwithstanding its being so late, * without making some Step towards enquiring into an Affair which so much concerns the Preservation of our Constitution, and which has made so much Noise over the whole Kingdom, therefore I hope you will immediately proceed to take into your Consideration what I now offer, or appoint a short Day for that Purpose.

Upon this it was moved to adjourn, and the Motion being insisted on, the Question was put, which was carried in the Affirmative, by 73 to 39.

Whereupon the following Protest was entered upon the Journal, viz.

Dissentient

Because we can by no Means think it consistent with the Honour of the House to adjourn, without appointing a Day (as was proposed) to consider of a Matter, allowed universally to be of the highest Importance: And we have Reason to apprehend, that Posterity, upon the Perusal of the Journal of this Day, may be induced to think, that this House was not inclined to permit the Transactions of the late Election in *Scotland* to be brought under Examination, in any Shape whatsoever; the Method proposed being, as we conceive, clear of all the Objections which were made in Relation to the Petition,

<i>Scarsdale,</i>	<i>Boyle,</i>	<i>Denbigh,</i>	<i>Craven,</i>
<i>Bruce,</i>	<i>Thanet,</i>	<i>Cobham,</i>	<i>Masham,</i>
<i>Bolton,</i>	<i>Shaftsbury,</i>	<i>Bridgwater,</i>	<i>Northampton,</i>
<i>Warrington,</i>	<i>Berkshire,</i>	<i>Anglesea,</i>	<i>Coventry,</i>
<i>Bedford,</i>	<i>Aylesford,</i>	<i>Bathurst,</i>	<i>Grahame,</i>
<i>Suffolk,</i>	<i>Gower,</i>	<i>Haversham,</i>	<i>Macclesfield,</i>
<i>Strafford,</i>	<i>Litchfield,</i>	<i>Chesterfield,</i>	<i>Foley,</i>
<i>Abingdon,</i>	<i>Beaufort,</i>	<i>Huntingdon,</i>	<i>Maynard.</i>

We shall now give our Readers the following State of the National Debt, which was laid before the House of Lords the first Session of the present Parliament, viz.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

A State of the National Debt, Provided or Unprovided for by Parliament, as it stood 31 December 1733, and 31 December 1734, together with an Account of the Produce of the Sinking-Fund in that Year, and to the Payment of what Debts contracted before 25th December 1716, the said Fund has been applied.

Exchequer.

A Nnuities for long Terms, being the
 Remainder of the Original Sum
 contributed and unsubscribed to the
South-Sea Company.
 Ditto for Lives, with Benefit of Survi-
 vorship, being the Original Sum con-
 tributed.
 Ditto payable for two or three Lives,
 being the Sum remaining after what is
 fallen in by Deaths.
 Annuities at 9 l. per Cent. per *Ann.*
 Ditto on Lottery 1710.

Ditto

N^o 82

for the Year 1736.

153

Amount of the Na- tional Debt upon the 31st of Dec. 1733.	1.	s.	d.	1,000,000 Increased between the 31st of Dec. 1733. and the 31st of Decem. 1734.	Paid off within the said Time.	1.	s.	d.	Amount of the Na- tional Debt upon the 31st of De- cember 1734.
1,837,033	0	9							1,837,033
108,100	0	0							108,100
130,499	8	0	$\frac{1}{4}$		900	0	0		129,599
161,108	6	8							161,108
109,290	0	0							109,290

Annuities on the Plate Act, 6 Georgii <i>primi Regis.</i>	312,000	0	0	312,000	0	0
Ditto on <i>News</i> and St. Christopher's De- bentures, at 3 <i>l.</i> per Cent.	37,821	5	1 $\frac{1}{4}$	37,821	5	1 $\frac{1}{4}$
Exchequer Bills on the Viſualler's Act, <i>Anno</i> 1726.	481,400	0	0	481,400	0	0
Ditto made out for Interest on old Bills exchanged.	2200	0	0	2200	0	0
Annuities at 3 <i>l.</i> 10 <i>s.</i> per Cent. for the Year 1731.	400,000	0	0	400,000	0	0
Duties on Salt revived, <i>Anno</i> 1732.	325,000	0	0	147,393	19	11
Duties on Salt continued, <i>Anno</i> 1734.				1,000,000	0	0
				177,606	0	1 $\frac{1}{4}$
East-India Company.						
By two Acts of Parliament 9 <i>W. Regis</i> , and two other Acts 6 and 10 <i>Anno</i> <i>Reginæ.</i>	3,200,000	0	0	3,200,000	0	0
Bank of England.						
On their Original Fund at 6 <i>l.</i> per Cent.	1,600,000	0	0	1,600,000	0	0
For cancelling Exchequer Bills, <i>Anno</i> 3 <i>Georgii primi.</i>	1,500,000	0	0	1,500,000	0	0

Purchased of the S. S. Company.	4,000,000	0	0
Annuities at 4l. per Cent. charged on	1,750,000	0	0
the Duty of Coals since <i>Lady-day</i> 1719.	1,250,000	0	0
Ditto charged on the Surplusses of the	800,000	0	0
Funds for Lottery 1714.			
Ditto for Lottery 1731.			

South-Sea Company.

On their capital Stock and Annuities 9	86,884	4	8 $\frac{1}{2}$	29,302,203	5	6 $\frac{1}{4}$
<i>Georgii primi Regis.</i>	265,390	4	9 $\frac{1}{4}$	48,128,149	6	0
	47,393,539	10	9 $\frac{1}{4}$	1,000,000		

The Exchequer.

TO Cash of the Sinking Fund on 31 Dec. 1733, is
To the Produce of the Sinking Fund between the 31st of Dec. 1733, and the 31st of Dec. 1734, viz.

On the aggregate Fund. 578,635 10 7
General Fund. 434,985 5 4½
S. S. Comp. Fund. 120,319 7 2

Dr.
l. s. d.
143,191 10 11½

Per Contra.

BY paid in Part of 1,200,000 l. granted by Parliament for and towards paying off and discharging the Debt of the Navy.

To make good the Deficiencies of the Land-Tax in 1732, in further Part of the said 1,200,000 l.
To compleat the 1000000 l. to the South-Sea Company.
To Interest thereof.

To make good the Deficiencies of the Annuities on the Plate Act to Lady day, 1734.

Gr.
l. s. d.

1,142,988 5 1½

29,229 4 4½

86,884 4 8½
651 12 7½

9794 10 10

1,269,547 17 8
7583 16 5

Balance in Cash 31 Dec 1734

1,277,131 14 8

1,277,131 14 8

T H E

Historical Register.

N U M B E R LXXXIII.



THE last Campaigns in *Germany* and *Italy* affording no considerable Scene of Action, we shall defer the Account of them, and the Affairs of *Poland*, until we have finished the Debates and Proceedings of Parliament, as far as Opportunity will permit: This Method is the more agreeable to us, because we understand it will be so to the Generality of our Readers, who are certainly much more interested in the Behaviour and Conduct of the Guardians of their Liberties, than in even the most important Actions of Foreigners; since Foreigners have it not in their Power to ruin us near so soon, either by open Breach of Treaties, private Intrigues among us here at home, or Conquests on our Allies abroad, as our Representatives would do, should they at any Time prove unfaithful to the Trust we repose in them, and abuse the Power we give them at their Election. Wherefore, it shall always be our Method for the future to give the Preference to Parliamentary Affairs; and as our last Number was entirely taken up with the Petition of the six *Scotch* Peers, and the Success of that important Piece, so we now resume the Proceedings and Debates of the Commons, which we were obliged to break off for want of Room in *Number 80.*

G R E A T B R I T A I N.

Continuation of the Debates and Proceedings in the first Session of the present Parliament.

ON Friday the 14th Day of February the House of Commons, (according to Order) resolved itself into a Committee of the whole House, to consider further of the Supply granted to his Majesty ; and it being then moved, that the Committee should resolve, *That the Number of effective Men to be provided for Guards and Garrisons in Great Britain, and for Guernsey and Jersey, for the Year 1735, should be (including 1815 Invalids, and 555 Men, which the six independent Companies consist of for the Service of the Highlands) 25,744 Men, Commission and Non-Commission Officers included.* A Debate thereupon ensued, in which the principal Arguments for the Motion were in Substance thus :

S I R,

THOUGH we are not as yet any Way engaged in the present War ; yet such Events may happen, as may make it absolutely necessary for us to engage on either one Side or the other. The Affair of Poland, which is the only Motive, the only Bone of Contention, hitherto publickly avow'd, is an Affair with which this Nation has but very little to do ; but if that should appear not to be the real Motive, or if Success should encourage either Side to extend their Views, and to push their Conquests, the Balance of Power may at last be brought into real Danger ; and then, for the Sake of preserving the Liberties of Europe, upon which the Liberties of this Nation will always depend, we must take a Share, a principal Share in the War. This is the Danger we are expos'd to at present, and it may not perhaps be so remote as some People pretend to imagine: This is what has made his Majesty become a Sort of Mediator for restoring the Peace of Europe, and for reconciling the contending Powers, before Success of either Side shall have encouraged them to extend their Views so far, as to take away all Hopes of succeeding in that Way ; and his Majesty has already pushed his Negotiations with so much Vigour, that a Plan of Peace will soon be offer'd to all the Parties concerned ; a Plan so reasonable,

reasonable, and so well adapted to the Honour and Interest of all the Parties concern'd, that whoever refuses to hearken to it, will thereby make it manifest, that their secret Views are much more extensive than any they have hitherto openly declared.

From hence, Sir, I must conclude, that we shall be very soon able to determine, whether we must engage in the War or not: If that Plan be accepted, if both Parties appear willing to agree to reasonable Terms, then we shall attain our Ends; the Peace of *Europe* will be restored, the Balance of Power will be preserved without engaging in the War, without subjecting this Nation to any Inconvenience, or to any great Expence; but if reasonable Terms should be haughtily rejected by either Side, what will the Consequence be? We must then necessarily take a Share in the War, and that speedily, lest the weaker Side should be quite overwhelmed: It is therefore very much our Interest at present to take every Measure that may contribute towards rendering his Majesty's Endeavours successful, that may contribute towards inducing, or even compelling, every one of the contending Powers to accept of that Plan which his Majesty, in Conjunction with his Allies, is to offer to them; and, in my Opinion, nothing can contribute more towards these great Ends, than our having such a standing regular Force, as may convince all the Parties concern'd that we are in earnest, and that we have it in our Power to alter the Scale whenever we have a Mind; for this Reason I can hardly imagine that any Gentleman in this House will oppose the small Augmentation of our Land Forces now proposed, when he considers how small an Expence it will be to the Nation, and how many Millions we may be obliged to expend, if, by refusing such a seasonable Expence, we should at last make it necessary to involve ourselves in a heavy and expensive War.

The Prosperity of this Nation, or at least our Security, depends upon the Tranquility of our Neighbours: While they are at Peace, while they are living in Plenty and Ease, they will always consume more of our Manufactures, and all the other Conveniencies of Life, than when they are involved in Blood and Confusion; and consequently we shall always have, in Times of Peace, a greater Demand for the Manufactures and Produce of our Country than in Time of War. Besides, while they continue at Peace, the Balance of Power can be in no Danger; but the Events of War no Man, no Nation can

depend on; and therefore every one, and this Nation among the rest, may be deeply affected by the extraordinary Success, or the rapid Conquests of any one Power in *Europe*. Let us not therefore grudge a small Expence, when it may evidently contribute towards restoring Peace and Tranquility among our Neighbours, upon which our own Prosperity and Security does and always must depend.

Our House is not, 'tis true, as yet on Fire, but our Neighbour's is all in a Flame; and when our Neighbour's House is in Flames, it is Time for us to prepare the Engines which are necessary for preserving our own. The proper Engines for preserving this Nation from those Flames of War which are now blazing in *Europe*, are a powerful Fleet, and a sufficient Body of regular well disciplined Troops, ready to march at the first Word of Command, in order to extinguish those Flames which may at last approach us too near, or may become so fierce as to endanger our being involved. This, Sir, will give Weight to his Majesty's Negotiations, it will make all the Parties concerned give a due Attention to what may be proposed by his Majesty's Ministers, for restoring the Peace of *Europe*; for a Minister, whose Equipage consists of a large Body of good Troops, will always be better hearkened to, than one whose Equipage consists only of a great Number of fine Pages and useless Footmen.

From agreeing to the Augmentation proposed, we may therefore expect, Sir, that the Parties now at War will be prevented from forming any ambitious Views, either against this Nation, or against the Balance of Power; and if any such Views have already been formed, the Projectors will find themselves under a Necessity of laying them aside; by which Means we shall be able to restore the Peace of *Europe*, and establish the future Security of this Nation, without exposing ourselves to the Inconveniencies, the Misfortunes, and the doubtful Events of War, and without putting ourselves to any further Expence: From a contrary Behaviour, let us consider what we are to expect: Will not *France* and her Allies from thence conclude, that they may go on and conquer; that they may place upon the Imperial Throne a Prince of the House of *Bourbon*; and that *England* is not now, as formerly, apprehensive of the growing Power of *France*, or concerned about the Preservation of a Balance of Power in *Europe*: These are Conclusions which,

which, I am sure, no *Englishman* ought to give them an Opportunity to make ; for the Continuance of the War, is a certain Consequence of such Conclusions ; and if it should continue, we must engage in it, or we, as well as the rest of *Europe*, must submit to be Slaves to the Conqueror. Thus the Danger of not agreeing to what is proposed, is infinitely great ; in agreeing to it there is no Danger, and the Expence is inconsiderable ; it is not only inconsiderable, but likewise, take it in what Light you please, it will be useful ; if it has the wish'd-for Effect, if it procures a Re-establishment of the publick Tranquillity, the Usefulness of it must be acknowledged by all ; but if it should fail of the Effect desired, it will still be of great Use, because it will enable us to join speedily and with Vigour in the War.

To me, Sir, it is evident, that the small Expence now proposed, may prevent an infinite Expence and an infinite Danger, and therefore I must think we are at present something in the Case of a Gentleman (suppose in the Isle of *Ely*) whose Estate is in great Danger of being overflow'd by the Decay of, or some Breach in those Dykes and Mounds which were made to prevent Inundations : In such a Case, suppose the Gentleman's Stewards and Managers should come to him and tell him of his Danger, and that the Dykes might then be repaired for a small Expence, but that one Flood or two might make such a Breach, as would cost him near the Value of his Estate to repair : Would not that Gentleman be very much in the Wrong, would he not be mad, not to hearken to such Representations, and put himself to a small immediate Charge, in order to prevent the entire Ruin of his Estate ?

Our present Case, Sir, is the very same ; one successful Campaign, two or three compleat Victories would not only involve us necessarily into the War, but would make such a Breach in those Barriers, by which the Liberties of *Europe* are preserved, as would cost an infinite Treasure and a vast Effusion of Blood before it could be made up. This is a Danger, which is apparent from those general Circumstances which are publicly known ; but there may be particular private Transactions concerted, or now carrying on, which would demonstrate the Necessity of what is now proposed : These his Majesty may probably have discovered ; and from the Experience we have of his Majesty's great Regard for the Ease of his People, we may, I think, conclude, that he

he would not have proposed to have made any Augmentation of his Land Forces, or to have put his Subjects to any additional Charge, without an evident Necessity for so doing: I hope, therefore, Gentlemen will depend upon his Majesty's Wisdom and Conduct, in an Affair which is of such a Nature, as may render it impossible for his Majesty to lay his particular Reasons before this House, without running the Risk of disappointing all the Measures he has concerted for defeating any ambitious Projects that may have been formed, and for restoring the Peace of *Europe*, and thereby preventing this Nation's being obliged to engage in the War.

To this it was answered in Substance as follows:

SIR,

I Wish Gentlemen would be more cautious of bringing his Majesty's Name into every Debate that happens in this House. I am persuaded no Gentleman in this House doubts of his Majesty's sincere Regard for the Ease of his People, or of his Wisdom and Conduct in all Matters which are honestly and fairly laid before him: These are Questions which can never be properly brought before us. Upon this Occasion, as well as upon all other Occasions of the same Nature, it is not his Majesty's Regard for the Ease of his People, but the Regard his Ministers have for the Ease of his People that we are to consider, it is their Wisdom and Conduct that are now under our Consideration; and, in my Opinion, this House has no great Reason to depend much upon either: I am sure the Generality of the Nation have no great Confidence in either; and therefore, if we speak the Language of our Constituents, which I hope will always be the Language of this House, we cannot depend so much upon their Wisdom and Conduct as to load the People with any additional Expence, for no other Reason but only because the Minister has told us it is necessary. This is a Method of proceeding which no Man ought to agree to in any Case, but especially in a Case which is of the most dangerous Consequence to the Liberties of our Country.

The Hon. Gentleman, Sir, was very much in the right to argue from general Circumstances, and such as are publickly known; for particular Care has been taken that we should not have any Thing else to argue from: But if we argue only from such Circumstances, we must conclude,

conclude, that we are neither concerned in the War, nor can be concerned in its Event. If we have nothing to do with the Affair of *Poland*, if we are no way engaged to protect the Emperor's Dominions in *Italy*, surely we have no Concern in the War; and as to the Event, *France* has declared they will not pretend to keep any of the Conquests they make; they have declared, they have no Intention to make any Conquests or to extend their Dominions, but that their only Aim is to establish *Stanislaus* upon the Throne of *Poland*; and the other two Allies have declared, that they have no other View but to establish and preserve the Neutrality of *Italy*. These are the only Circumstances that are publickly known, and from these neither this Nation nor the Balance of Power can be in any Danger.

What particular Reasons may we have not to trust to those Declarations, I shall not pretend to determine; but all the other Princes and States of *Europe*, not already engaged in the War, seem to put their Trust in them, because none of them have as yet put themselves to any Expence, or made any Preparations: Nay even the Princes of *Germany* seem to think their Country in no Danger, for some of the chief of them still continue neutral, and those who have joined in the Declaration of War, have great Numbers of Troops unemploy'd, which certainly would all be sent to the *Rhine*, if they thought their Country was in any real Danger of being conquered, or that *France* had a Design to impose an Emperor upon them: While they remain so secure, while they give themselves so little Concern about the Event of the War, why we should be so terribly frightened, why we should imagine that *France* has a Design to conquer *Germany*, and to place one of the House of *Bourbon* upon the Imperial Throne, I cannot comprehend: I am sure no such Intention can be presumed from any Circumstance yet publickly known; and I hope we do not think that either *Spain* or *Sardinia* has a mind to conquer *Germany*, or that *France* would allow them, if either or both were able to accomplish such a Design. From publick Circumstances, therefore, I can see no Reason we have now, or indeed ever had, to put ourselves to any Charge, or to make any Preparations; and if there be any private Reasons, they must be such, I should think, as concern us in particular, because if they related to the Balance of Power, and consequently to *Europe* in general, the other Courts of
Europe

Europe, particularly the *Dutch*, would certainly have discovered them as well as we; nay, if they had not, it would have been the Duty of our Ministers to have discovered them, not only to the *Dutch*, but to all the Princes of *Europe*; for whatever Danger there might be in discovering them to this House, there could not surely be any Danger in discovering them to those Courts which have as deep a Concern as we have in the Preservation of the Liberties of *Europe*.

As no Part of our late Transactions has ever been laid before this House, as all such Lights have been denied us, I do not know, Sir, but there might be private Reasons for our being particularly concerned in the Event of the present War: If there are any such, they must proceed from some of our late Transactions, and in that Case, those Transactions ought to have been laid before this House at the very Beginning of the War, that we might from them have seen our Danger and might have provided for our Safety in Time. But to insinuate, that either of the Parties now engaged in War may have ambitious Views against the Liberties of *Europe*, is an insinuation that is contradicted by the Behaviour of all the Princes and States of *Europe*, not already engaged in the War; and is therefore an Insinuation that cannot, in my Opinion, have any Weight, much less a Weight as to prevail with any Member of this House to load his Constituents with an additional Charge, or to subject the Liberties of his Country to an additional Danger.

We are next told, Sir, that tho' neither Party may at present have any ambitious View, yet they may form such Views, and in order to prevent their forming any such, we must put ourselves to a great Expence, we must make great Preparations; this will shew them we are in earnest, and will make them give Ear to the reasonable Plan of Peace his Majesty, in Conjunction with his Allies, is to offer: Whereas if we make no such Preparations, *France* will conclude, we have lost all Apprehensions of the growing Power of that Kingdom, and that we have no Concern for the Preservation of the Balance of Power. For God's Sake, Sir, can Gentlemen be serious when they argue at this Rate? Can *France*, or any Power on Earth, imagine that we will look tamely on, and see the Liberties of *Europe* overturned; or can the Addition of 7 or 8000 Men to our Army add any Thing to their Dread of our Power?

Power? They all know, and *France* in particular has Reason to know, the Strength and Power of this Nation, when wisely managed and prudently exerted; if therefore they form any ambitious Views, if they reject the just Terms of Peace that are to be proposed by his Majesty, or if they despise the Mediation that has been offered; it cannot proceed from any Contempt they have of the real Strength of this Nation, but from a Contempt of the Councils by which that Strength is to be exerted: This is a Contempt which, I am afraid, they have already conceived; and if we should agree to the Proposition now before us, without seeing any Reason for so doing, I am sure either the Wisdom or the Integrity of this House will suffer considerably, in the Opinion of the World both abroad and at home.

Another terrible Thing we are this Day taught to apprehend, is, that Success may inspire one of the Parties engaged in War, with an ambitious View of overturning the Balance of Power: That two or three compleat Victories may make it absolutely necessary for us to engage immediately in the War; and that therefore we ought to prepare in Time, that we may be ready to fly to the Relief of the Unfortunate, before they are quite overwhelmed: Upon this, Sir, I shall only ask if any Gentleman in this House can imagine that *Germany*, *Poland*, and *Muscovy*, (for I think I may now say they are united) can be conquered in one Campaign; or supposing the other to be the unfortunate Side, can they imagine that *France*, *Spain*, and *Italy* can be conquered in one Campaign. If any Gentleman can imagine such a Thing, with him I shall not pretend to argue; but with those who cannot, which I believe is the Majority of this House, I think I may contend, that neither Side can in one Campaign be reduced so low, but that the united Force of *Britain*, *Holland*, *Denmark*, and *Sweden*, thrown in early the next Campaign, will be sufficient for their Relief, and for obliging the proudest Conqueror to submit to reasonable Terms; in which Case we shall have the whole Winter to prepare, and 'till then 'tis certainly quite unnecessary for us to put ourselves to any Expence.

As this Day seems to be a Day of Paradoxes, among the rest we have been told one with Respect to our Trade. We are told, Sir, that the Prosperity of this Nation depends upon the Tranquility of our Neighbours; and that in Times of Peace, there is always a

Y

greater

greater Demand for the Manufactures and Produce of this Country than in Time of War. This, Sir, is so far from being a just Maxim in Trade, that the direct contrary is true. The chief Part of the Produce of this Country, consists in the Necessaries and not the Luxuries of Life, and consequently our Neighbours will always consume as much of such Sort of Things in Time of War as in Time of Peace; but the Difference is, that when their Heads are not distracted, nor their Hands diverted, by any foreign or domestick War, they have Time to apply themselves to Tillage, they have Time to apply themselves to Manufactures of all Kinds, they have Leisure to think of and to improve all the Arts of Peace, and by so doing they furnish themselves at home with a great many of these Necessaries, which in Time of War they are obliged to purchase of us. This is not only evident in Theory, but it is confirmed by Experience; for our Trade has suffered more by the domestick Improvements made by our Neighbours, during this last long Tranquility in *Europe*, than it has done by any other Means, except the heavy Duties we have laid upon ourselves, and the great Trouble and many Fees and Perquisites we have subjected our Merchants to, both in importing and exporting their Goods and Merchandize; which Incumbrances will in Time most certainly ruin every Branch of our Trade, if we do not take Care to remove them speedily, by paying off those Debts by which they have been occasioned. And as to our Security, it can never be disturbed by any Broils among our Neighbours, unless the Balance of Power should be brought into real Danger, which our Neighbours upon the Continent would take better Care of than they do, if we did not upon all Occasions shew ourselves so mighty officious as to do it for them.

It is an easy Matter, Sir, for any Man who has a quick Invention and a strong Imagination, to form imaginary Dangers, and to frighten Fools with Phantoms. In Time of Peace we are frightened with Invasions, because our Neighbours have their Troops quartered upon their Coasts, and have nothing else to do with them: In Time of War we are frightened with Invasions, because our Neighbours have great Armies in the Field, though no Power in *Europe* has any Quarrel with us: In Time of Peace we must keep a more numerous Army than is consistent with the Liberties of a free People, in order to prevent a War's breaking out: In

Time of War we must add to that Army, and put ourselves to a great Expence, in order to restore the publick Tranquility, and preserve the Balance of Power, tho' no other Nation in *Europe* appears to be in the least apprehensive of its being in Danger. Thus, Sir, we are always in a Fright, and, for what I know, our Apprehensions may at last become so extravagant, that if *Angria*, the *East-India* Pirate, should fit out any greater Number of Grabs than usual, we must fit out a Squadron and augment our Land-Forces, for fear of his coming to make an Invasion upon us. By this, Sir, I do not mean to insinuate, that we are now in no Danger; I do not know but we may: But whatever Danger we may be in, I am very sure it does not appear from any Circumstances yet publickly known, nor from any Thing that has as yet been communicated to this House, and therefore I cannot agree to load the People with any new Charge: If the Danger is such as cannot be immediately communicated, it must be such as cannot be immediately apprehended; and if we are only like to be in Danger, we ought to follow the Example of our wise Neighbours the *Dutch*, in putting our People to no Expence, and in reserving our whole Strength to be vigorously exerted against those whose future Designs shall seem any way to threaten the Safety of *Europe*.

We have been told, Sir, that the Danger of not agreeing to what is now proposed is infinitely great; but that in agreeing to it there is no Danger; Sir, in my Opinion, it is directly otherwise. I shall first consider it with Respect to our foreign Affairs. It is certain, that the Regard we are to expect from Foreigners must always depend upon the Esteem they have of the Strength of the Nation, and of the Wisdom of those Councils by which that Strength is to be directed. The Strength of the Nation does not surely consist only in the Troops we have on Foot, or the Squadrons we have at Sea, but upon the Number of Troops we are able to raise and maintain, and the Squadrons we are able to put to Sea; therefore it is certain, that the adding 7 or 8000 Men to our Land-Forces; or the Squadrons we have already fitted out, can add nothing to the Opinion Foreigners have of our Strength; this they all know we could do whenever we had a Mind, and they know we can do much more when we find ourselves justly provoked; but the putting ourselves to such extravagant, such needless Expence, when no Man can say that we are in any real and im-

mediate Danger, when no Man can say we have received any just Provocation, will certainly give Foreigners a very mean Opinion of our Councils, and Strength without Wisdom is generally misapplied, and is always condemned; so that if any Thing disappoints his Majesty's Endeavours for restoring the Tranquility of *Europe*, if any Thing makes his Mediation contemned, it will be our agreeing to the Proposition now before us: I shall add to this, Sir, that the Armaments we have made and are still making, can oblige neither of the Sides engaged in War, but may probably give great Offence to one or t'other, by which we may draw a War upon ourselves; our Armaments may very probably unite several of the Powers of *Europe* against us, while by the Inaction of those Armaments we may be deprived of every Ally; therefore, with Respect to our foreign Affairs, the Danger of agreeing to what is proposed is infinitely great, in not agreeing to it, there is, there can be no Danger.

But, Sir, with Regard to our domestick Affairs, the Danger is more apparent, and much more terrible. The keeping up of a numerous Standing Army in Time of Peace, or the keeping of such an Army in this Island even in Time of War, is absolutely inconsistent with the Liberties of this Nation. The Gentlemen, or at least some of them, who support this Motion, talk of an Army of 18,000 Men as always necessary to be kept up within this Island, in Time of Peace, as well as in Time of War. This, Sir, is the true Secret of this Day's Motion; those Gentlemen know, that when Peace is restored, the Nation will insist upon a Reduction's being made in the Army, therefore, think they, let us now increase the Army, that when Peace is restored we may stop the Mouths of the Disaffected (as they call them) by making a Reduction of the Troops we are now to add: And thus, Sir, we shall have a Standing Army of 18,000 Men saddled upon us for ever. As I am of Opinion, that an Army of 18,000 Men is at least 10,000 more than we ought to have in Time of Peace, as I am of Opinion that such a numerous Army, all under the absolute and arbitrary Will of the prime Minister for the Time being, can be necessary for no End but that of enabling the Minister to trample upon the Liberties of his Country; therefore I think, with Respect to our domestick Affairs, the Danger of agreeing to what is proposed is infinitely great, and that in rejecting it with Disdain, as it ought to be, there is no Danger.

Whether

Whether our House be on Fire or not, is what no Man can tell, from any Thing that has been communicated to us, or from any Thing he can know as a Member of this House ; but this I am sure of, that whether our House be on Fire or not, the Engine-keepers, and those who are by them to get either Riches or Power to themselves, will always endeavour, if they can, to persuade us, that our House is in Danger ; when there is no Fire in the Neighbourhood, they will tell us, we ought to pay them for their Engines, in order to have them ready to march at the first Word of Command, because a Fire may suddenly break forth ; and when there is a Fire in the Neighbourhood, they will then tell us we must have their Engines, because though the Fire be then at a great Distance, it may at last approach too near, so as not to give Time to send for the Engines ; therefore, when the People's Money is to be disposed of, I hope this House will always depend upon their own Judgment, and not upon the Advice of those who have the Direction of any Engine. As for Ministers, they must expect Regard and Esteem, not from their Equipage, but from the Wisdom and Address of their Negotiations ; for a Minister with a blundering Head, or one that is sent upon ridiculous Errands, will make as sorry a Figure with an Equipage of regular Troops, as he ever did, or can do, with fine Cloaths, and an Equipage of gaudy Pages and useless Footmen ; and I am afraid the Ass's Ears will appear much more conspicuous under a well-burnish'd Head-piece, than ever they did under a well-powder'd Peruke.

The other Parallel, Sir, that has been drawn, is very much to the present Purpose, if it had been properly related. We are in the very Case of a Gentleman who is told by his Steward, and the Workmen employ'd by that Steward, that his Estate is in great Danger of being overflow'd by the Decay of, or some Breach in those Dykes and Mounds, which, as they say, were made to prevent Inundations : The Gentleman is surprized at this, knowing that there were never any Dykes or Mounds made upon his Estate for preventing Inundations, but what were made by Nature ; that his Estate could not be overflow'd, without some artificial Inlets made, or even Windmills, or Fire-Engines, prepared and set up for that Purpose : He answers, Gentlemen, you really surprize me, I can hardly believe there is a Possibility in what you relate ; however, I'll go along with

with you, and examine every Part of my Estate, and will then take such Measures as may be proper for preventing the Danger : Upon this, the Steward and his Workmen are in a Fright, they know that the Inlets were made, or the Windmills set up, either by themselves or by some of their Master's Neighbours, with their Connivance, and therefore they reply, O Lord, Sir! you must not examine into Particulars, the Breaches are of such a Nature, that if you but look upon them, they will become irreparable ; give us but a small Sum of Money, and an Order for such of your Tenants as we shall name, to attend and assist us, we can now easily make up the Breach ; but if you delay, or offer to examine into it, the Reparation will cost you more than the Value of your Estate : If such a Gentleman should comply blindly with such a Demand, I am sure, Sir, it must be granted, that if he was not mad, he was very much under the Management of his Steward.

Now, Sir, that I have set the Parallels mention'd of the other Side in their true Light, give me Leave to draw one of my own, which I think very apposite to the Case before us, considering that the Motion so visibly tends to the keeping up of a great Standing Army, even in Time of the most profound Tranquility : Suppose a Country Gentleman took into his Head a Whim to keep a Lion in his House, for no other End but to please and divert the Spectators ; suppose his Neighbours, his Friends, nay even his own Children, should represent to him, that it was very dangerous to keep such a fierce Animal in his House ; that while it was young it might continue harmless, and might now and then play some pretty Tricks to divert him, but that such Animals, when they began to grow old, were apt to take wicked and malicious Freaks : In short, let us suppose that every Man but the Keeper and those under him, who knew they could not otherwise preserve the lucrative Posts they possessed, should advise the Gentleman to dispatch this Animal from his House, but the Gentleman rejects all Counsels but those of his Keeper and Under-keepers : At last the Animal takes one of its natural Freaks, or instigated perhaps by the Keeper, on a Suspicion of his going to be dismissed ; and having got an Opportunity, seizes upon his Master, treads him under Foot, and tears his Heart from his Bosom ; would not all the World agree, that tho' the Keeper ought to be hang'd,

the

the Master highly deserved the Mischief he had met with ?

To conclude, Sir, while the *Dutch* and all the other States of *Europe*, not yet engaged in the War, shew so little Concern about it, while even the Princes of *Germany* shew so little Inclination to exert their whole Strength upon the Occasion, I cannot think the Balance of Power in any imminent Danger ; and if there is any Danger threatens this Nation in particular, in God's Name let it be told ; when we know what it is, or from whence it is to be apprehended, we may easily take such Measures as may prevent it ; but do not let us, under imaginary Pretences of distant foreign Dangers, subject our Constitution to a real, an imminent domestick Danger ; for what will it avail us to preserve the Liberties of *Europe*, if under that Pretence we destroy our own ?

The Reply was to this Effect, viz.

IN the Question now before us, it is with the greatest Diffidence that I stand up to give my Opinion ; for the Conjecture now under our Consideration is, I think, the most difficult and the most critical, of any that ever happen'd since I have had the Honour to be a Member of this House. To add to the Heavy Burdens my Country already labours under, is what I shall never agree to, but with the greatest Reluctancy ; but on the other Hand, if through an ill-tim'd Piece of good Husbandry, I should contribute towards involving my Country in Calamities, which by a small but seasonable Expence, might have been prevented, it would give me the greatest Uneasiness. Whatever Advantage we may draw from the Tranquility of others, it is certain we must always draw great and many Advantages from our own ; and it is as certain, that let the Designs of the Parties engaged in War be at present what they will, we may be deeply concerned in its Event : If either the present Designs should be pushed too far, or new and ambitious Designs encouraged and set up by Success, we must necessarily at last be involved, and this is what we ought, if possible to prevent. This I take to be the true and only Design of the Augmentation now propos'd ; it is so small that I cannot look upon it as designed to engage us in the War, but to prevent our being engaged, and for this Reason, I think, we may the more easily agree to it.

Whether

Whether the Balance of Power be now in Danger, or whether this Nation in particular be now in Danger, is not the Question before us, but whether both may not be in Danger by the Event of the present War; and this I really think cannot be made a Question. In such a Case we are not to be directed by the Behaviour of other States, at least, I am sure, the Resolutions of this House ought as little to be regulated by the Example of the *Dutch*, or of the Princes of *Germany*, as they ought to be regulated by the Advice of our own Ministers. In the War which was commenced before the Death of the late King *William*, I believe it will not be denied but that the Balance of Power was really in Danger, and yet, for some Time after it commenced, the *Dutch* seemed, to all publick Appearance, as quiet as they seem at present, the Princes of *Germany* seemed as little concerned, nay some of them actually engaged against the Liberties of *Europe*, and of their Country: 'Till we declared ourselves, no Prince in *Europe* would venture to stir to the Relief of the House of *Austria*; and therefore I must think that the outward Behaviour of all or any of the Princes of *Europe*, can never be made Use of as any Argument in this Debate: Besides, Sir, the other Princes and States of *Europe* have no Occasion to make any Augmentation of their Forces till they are just ready to take the Field: They have, all of them, great Bodies of Land Forces in continual Pay; there is hardly an Electoral Prince of *Germany*, but what maintains as great a Number of Land Forces as are now in this Island; and yet, I hope, it will not be said, but that, if we were to engage, we not only could but ought to take the Field with a much greater Army than either of them can maintain; for which Reason we are always under a Necessity to begin to prepare much sooner than any of our Neighbours have Occasion to do.

We may talk what we will of the Number of Men in our Country, and the Numbers of Ships in our Harbours, but from such Calculations the Strength of a Nation is not now to be computed. It is from the Number of regular well-disciplin'd Troops with which they may speedily take the Field; and from the Number of Men of War, provided with experienced Seamen, which they can speedily put to Sea, that the Strength of a Nation is always now computed: A Number of regular well-disciplined Troops, is now become as necessary either for Offence or Defence, as a well-disciplined well-armed

armed Militia was of old, and the Regard a Nation is to expect from its Neighbours, depends now as much upon the former, as it depended of old upon the latter. 'Tis true, in a Country which abounds with able, well-bodied Men, which our own Country does, in my Opinion, more than any other of equal Extent, Regiments may be soon raised, Regiments may be soon augmented; but a Regiment newly raised must be exercised for many Months, before it can expect to engage successfully against an old, well-disciplined Regiment; and even an old Regiment newly augmented, cannot pretend to enter upon immediate Action, it must have some Time to train and discipline the new Men that have been incorporated, otherwise these new Men would certainly throw the whole Regiment into Confusion, so that if brought into immediate Action, the Regiment would find itself weakened by having its Numbers encreased: This is the Reason, Sir, and, in my Opinion, a convincing Reason, why we should always begin to encrease our Land-Forces at least some Months before there may be a Necessity for entering upon Action; and by what is now proposed, the Encrease is to be made in the most proper and the least expensive Way, that is, by adding a Number of private Men to each Company in the Service, without raising any new Regiments or Companies, which could not so speedily be made fit for Action, and would, by encreasing the Number of Officers, be more expensive to the Nation.

I am none of those, Sir, who imagine that *Germany*, *Poland*, and *Muscovy* can be conquered in one Campaign, and much less do I imagine that *France*, *Spain*, and *Italy* can be conquered in a Campaign; and yet I can imagine, and do verily believe, that a compleat Victory or two, gained at the very Beginning of a Campaign, especially by that Side which has hitherto had the best Success, might be attended with such Consequences, and might bring the Unfortunate Side so low, if they met with no Relief or Assistance before the Beginning of the next Campaign, that to recover the Losses of that Campaign, and compel the Conquerers to accept of reasonable Terms, would most certainly cost this Nation a vast Expence of Blood and Treasure, even tho' we were immediately joined by *Holland*, *Denmark*, and *Sweden*, neither of whose Assistance, even in such a critical Conjunction, we can pretend to depend upon with Certainty; for upon such an Occasion some of them might lose Courage,

and others might expect to make an advantage by joining the victorious Side; and if we should be obliged to engage singly, and without the Assistance of either of the three Powers I have mentioned, one unfortunate Campaign, pushed with Vigour by the victorious Side, to the very Beginning of the next, might involve us in a tedious, an expensive, and even a doubtful War: Whereas, if we put ourselves in such a Condition as to be able to give immediate Relief to the unfortunate Side, or to engage immediately against that Side whose Views shall hereafter be discovered to be inconsistent with the Safety of *Europe*, we may then easily cast the Balance, and may with Certainty, and in a short Time be able to give Laws to the Conquerors.

I shall admit, Sir, that *France* and her Allies have made the Declarations mentioned by the Hon. Gentleman, and I do not know but they may be sincere, but I am sure they're not to be trusted to; for, even granting that these Declarations are sincere, that they have really no other Views but what they openly profess, yet we know that Success may elate the Minds of the Conquerors, and may make them conceive new Designs, which they could not at first have thought of; and against these we are to provide, as well as against any Designs they may have at present in Petto, which we have not as yet discovered; for if *France* and her Allies should over-run all *Germany*, get Possession of all the strong Holds in it, establish *Stanislaus* upon the Throne of *Poland*, and oblige the Czarina to submit to their Terms, I am very far from thinking that either of them would abide by the Declarations with which they began the War, I am very much afraid they would begin to think of making such Regulations as to them should seem meet, both in this Country and in every other Country of *Europe*; in which Case I am sure, our Constitution both in Church and State would be exposed to much greater and more unavoidable Danger, than it can be from the small Addition now proposed to be made in our Army.

This leads me, Sir to consider that terrible, that imminent Danger our Liberties are exposed to, by keeping up a numerous Standing Army in Time of Peace, which is a Danger that has been much exaggerated upon this and many other Occasions, by the Gentlemen of the other Side of the Question. I could easily shew, it has been often shewn already, by Gentlemen much more capable than

than I am, that an Army kept up from Year to Year, under the Direction of Parliament, and commanded by Gentlemen of the best Families, and some of them of as good Estates as any in the Kingdom, can never be dangerous either to our Constitution or to our Liberties, were it much more numerous than it is, or is now proposed to be; but as to the keeping up of a Standing Army in Time of Peace is not, nor can be now the Question under our Consideration. I shall suppose that there is some Danger in keeping up even such a Standing Army in Time of Peace; will Gentlemen from thence argue, that when all *Europe* is in a Flame, when this Nation may very probably, and perhaps very speedily be obliged to engage in the War, we ought not to begin to make Preparations? Will they say, that we ought never to make any Augmentation, or to prepare for War 'till it is publickly declared? Can this, Sir, be a safe Maxim for any Nation? Surely no; but much less can it be a safe Maxim for this Nation, because in Time of Peace we never keep up such a great Body of Land-Forces as any, even the most inconsiderable of our Neighbours.

I do not know, Sir, that any Gentleman has in this Debate declared, that 18,000 is the Number of Land-Forces which must always be kept up in this Nation, even in Time of the most profound Tranquility; however, it has been discovered, it seems, that this is the Opinion of some Gentlemen, and that the Addition now moved for, is proposed for no other Reason, but only that these Gentlemen may have an Opportunity of stopping the Mouths of the Dissaffected, by reducing that additional Number as soon as the publick Tranquility is re-established. Sir, if no Reasons had been assigned for the Addition proposed, there might have been some Room for this Presumption; but as other Reasons have been assigned, as those Reasons are apparent from the present Circumstances of *Europe*, I cannot see how such a Presumption can be made: But suppose this were really the Design of some Gentlemen in this House, will not every other Gentleman be at Liberty to oppose that Design when the Peace is restored? May not every Gentleman, who shall then have the Honour to be a Member of this House, propose as great a Reduction as he pleases? Is it not as easy to propose the Reduction of 17,000 as of 7000? And when we are so happy as to have an Opportunity to make a Reduction, which I hope

will be soon, the Question will then come properly to be argued, what Number of Land Forces is necessary to be kept up in this Nation in Time of Peace? Upon that Question, I hope as great a Number will be reduced, without any Regard to the Addition now made, as the Safety of the Nation can admit of; for I shall join with the honourable Gentlemen in Opinion, that we ought never to keep up a greater Number than is absolutely necessary for the Safety of the Nation, and the Support of his Majesty's Government; and whoever is against keeping up that Number, shall always be looked on by me as a Person dissaffected to both.

Before I conclude, Sir, I must take Notice that from this Debate, as well as from a great many others, it appears to me, that the Gentlemen employ'd in the Administration of our Affairs, are always in the most ticklish Situation: If they propose to provide against Dangers, by all which Provisions the People must be put to an Expence, they are then charged with raising imaginary Dangers, in order from thence to take an Opportunity to load the People with new Taxes; and their Misfortune is, that the more careful they have been in Time past, this Argument grows every Day the stronger against them, because People begin at last to believe, that the Dangers which were never felt were actually imaginary, tho' in Reality they were prevented only by the Provisions that were made against them; however, many People may come at last to be confirmed in this erroneous Opinion, by which the Ministers may be at last refused those Provisions that are actually necessary; and if, by such Refusal, any signal Misfortune should befall the Nation, the Ministers would be sure of being loaded with the blame of it, tho' they had done all that was in their Power to warn us of the Danger.

I cannot really comprehend, Sir, what Sort of Information it is that Gentlemen want upon this Occasion; would they have his Majesty send to tell us, that there is a bloody War now carrying on by *France*, *Spain*, and *Sardinia*, against the Emperor? Surely they do not expect that his Majesty would send us a particular Message, in order to acquaint us with a Piece of News that is known to the whole World; and as this is sufficient to put us upon our Guard, and to convince us that we ought to begin, at least, to prepare for the worst, I must think we stand in no Need of any further Information. It may very probably be, that his Majesty has not yet discovered,

discovered, whether any of the Parties engaged in War have any further Views than what they publickly avow; this I say may not probably have been yet discovered, because no Plan of an Agreement has as yet been offered to the Parties concerned: Or it may be that his Majesty has already discovered, that some of the Parties concerned have some secret and some ambitious Views, which will oblige him to declare very soon against them: In the first Case, his Majesty can give us no further Information than what he has already given; but suppose the last to be the Case, would any Gentleman have his Majesty, either by Message or otherwise, disclose to us the Secrets he has discovered, or the Resolutions he has taken upon such Discovery? Would not such a Message be an open and a publick Declaration of War? And will any Gentleman say, that it would be wise in his Majesty, or in those who have the Honour to advise him, to make any such publick Declaration, before he has made all the necessary Preparations, and is just ready to enter upon Action: In short, let us put the Case what Way we will, it is impossible we can have, or ought to have, any further Information than what every Gentleman without Doors, as well as within, fully knows, from the Circumstances Europe is in at present; and as these are, in my Opinion, more than sufficient for inducing every Man who regards the Safety of his Country, to agree to the small Expence now proposed, I shall very little regard what may be thought of the Wisdom or the Integrity of this House; for I am very sure, every Man whose good Opinion is worth desiring, will, from our agreeing to this Question approve of both.

The Question being at last put, it was upon a Division carried in the Affirmative, 261 to 208.

The chief Speakers in Support of the Motion, were Sir W——m Y——ge, C——l B——n, T——s W——n, Esq; P——ck L——y, Member for Edinburgh in Scotland, J——n H——we, Esq; Member for Wiltshire, H——o W——le, Esq; Sir R——t W——le, &c. and the chief Speakers against the Motion, were the Hon. J——s E——ne, Esq; Member for K——fs and E——n in Scotland, his H——r the M——r of the R——ls, Sir W——m W——m, W——m P——y, Esq; &c.

Some

Some of the Gentlemen who spoke in this Debate, said, they were for an Augmentation of our Forces, but that it was their Opinion, we ought to augment them by taking foreign Troops into our Pay, and not by augmenting our own Army; because the first could be dismissed without leaving any Charge upon the Nation, after the Peace was restored, but the last would always leave a Charge by encreasing the Number of Officers on Half-pay. This Objection was answered by informing them, that by an Augmentation proposed, it was not intended to add any new Officers, but only so many private Men to each Company; so that when Peace was offered, the Augmentation then made could be reduced, without leaving any Charge upon the Nation: With this Answer they were satisfied, and accordingly voted for the Question. But by other Gentlemen who were against the Question, several other Objections were made, such as, the Danger of having such a great Army in the Island; the great Burthen it was to the Places where they were quartered; the taking so many Hands from the Labour and Industry of the Nation, and thereby withdrawing so much of that Nourishment, which was necessary for supporting the Trade, the Riches, and the Power of the Kingdom; and that the adding even of private Men would leave some Charge upon the Nation, because when a Reduction came to be made, the old and infirm would be discharged, most of whom we would be obliged to take in as Pensioners on *Chelsea-College*; whereas if no such Augmentation had been made, those very Men would have continued in the Service for several Years longer. To which it was answered, That in a Time of such publick Danger it was necessary to augment our Forces, even within the Kingdom, and therefore any small Inconveniencies that might from thence arise must be born with; that by encreasing our own Troops no Money was carried out of the Kingdom; that it would add to the Number of our trained Soldiers, which, if any future Danger should arise, would be an Advantage to the Nation; that by a Man's becoming a Soldier, his Labour and Industry was not quite lost, for many of them were as industrious after Listing as ever they had been before; that old and infirm Soldiers must always of Course be dismissed, and new Recruits raised in their Stead, tho' no Augmentation were ever made.

After the said Motion was agreed to, the following Motion was put, and of Course agreed to, viz. 'Resol-

'ved.

ved, that a Sum not exceeding 794,529*l.* 4*s.* 7*d.* $\frac{1}{2}$ be granted to his Majesty, for defraying the Charge of the said 25,744 Men, for Guards and Garrisons, and other his Majesty's Land-Forces in *Great Britain*, *Guernsey*, and *Jersey*, for the Year 1735.

By comparing this Sum with the Sum voted for the Year 1734, we shall find an Encrease 147,099*l.* 13*s.* 4*d.* and the Sums granted for the Service of the Army in the Year 1734 having exceeded what had been granted in the preceding Year, by the Sum of 35,116*l.* 5*s.* 3*d.* our additional Expence for the Year 1735, on Account of the late War, in this Article of our Army only, amounts to 182,215*l.* 18*s.* 7*d.* to which we must add an additional Expence in 1735 in the Article relating to the Forces in the Plantations, *Gibraltar*, &c. of 11,713*l.* 9*s.* 2*d.* being in the whole 194,029*l.* 7*s.* 9*d.*

On Monday the 17th of February W——r P——r, Esq; moved the H——se of C——ns, That the Post-Master-General might be order'd to lay before that House a Copy of his Majesty's Warrant, whereby Letters were permitted to pass free of the Duty payable upon Post-Letters. Which Copy was accordingly laid before the House upon the 19th; and upon the 26th, the same Gentleman moved, That it might be taken into Consideration. The Warrant being accordingly read, the House proceeded to take it into Consideration; upon which Occasion Complaints were made by several Members, that their Letters were not only charged at the Post-Office, but that they were often broke open and perused by the Clerks; and that this Practice of breaking open Letters was become so frequent, and was so publickly known, that the very End for which that Liberty was given to the Post-Masters was entirely disappointed; for the Intention being at first to discover any treasonable Correspondence that might be carried on against the Government, that Intention was render'd altogether vain, because by the Practice of opening Letters being so frequent, and so well known, it was certain that no Man would carry on a treasonable Correspondence by Means of the Post-Office; so that the Liberty given to break open Letters at the Post-Office could now serve no Purpose, but to enable the little Clerks about that Office to pry into the private Affairs of every Merchant, and of every Gentleman in the Kingdom. At last it was insisted, that the Warrant then laid before the House was not the last Warrant granted by his Majesty, nor the Warrant by which

which the Post-Masters then asked; and therefore it was moved, That a Committee should be appointed to enquire into that Affair.

This Motion was supported by E——d L——le, Esq; Member for M——gh in *Wiltshire*, G——st H——te, Esq; W——m P——y, Esq; R——t D——fs, Esq; and Mr. A——n P——ry; and it was a little opposed by Sir R——t W——le and H——y P——m, Esq; but at last they agreed to the Motion, providing that Committee should not enquire into any Thing that might tend to the discovering of any of the Secrets of the Government: And a Committee was appointed accordingly.

On the 28th of *March* Mr. P——r reported from the said Committee, That they had examined the Matter to them referred, and had directed him to report the same as it appeared to them, together with their Resolutions thereupon to the House. Which Report being read, and delivered in at the Table, the same was taken into Consideration on the 16th Day of *April*, and the Resolutions of the Committee were as follows, viz.

Resolved,

1. That it is the Opinion of this Committee, that the Privilege of franking Letters by the Knights, Citizens and Burgeses, chosen to represent the Commons in Parliament, began with the erecting a Post-Office within this Kingdom, by Act of Parliament.

2. That all Letters (not exceeding two Ounces) sign'd by the proper Hand of, or directed to any Member of this House, during the Sitting of every Session of Parliament, and forty Days before and forty Days after every Summons or Prorogation, ought to be carried and delivered freely and safely from all Parts of *Great Britain* and *Ireland* without any Charge of Postage.

3. That it is an high Infringement of the Privilege of the Knights, Citizens and Burgeses, chosen to represent the Commons of *Great Britain* in Parliament, for any Post-Master, his Deputies or Agents, in *Great Britain* or *Ireland*, to detain or delay, open or look into, by any Means whatsoever, any Letter directed to, or signed by the proper Hand of any Member, without an express Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for every such Detaining, Delaying, Opening, or Looking into.

4. That all Letters directed to any Member of this House at any Place within the Bills of Mortality, be carried

carried by the proper Officers of the Post-Office to the House or Lodgings of such Member, or to the Lobby of the House of Commons.

5. That it is a notorious Breach of the Privilege of the House of Commons, for any Person to counterfeit the Hand, or put the Name of any Member of the House of Commons upon any Letter, in order to prevent its being charged with the Duty of Postage.

6. That such Persons as shall presume to do the same, ought to be proceeded against with the utmost Severity.

The first two of these Resolutions were that Day agreed to, and on the 25th of the same Month the third Resolution was amended thus:

That it is an high Infringement of the Privilege of the Knights, Citizens and Burgeſſes, chosen to represent the Commons of *Great Britain* in Parliament, for any Post-Master, his Deputies or Agents, in *Great Britain* or *Ireland*, to open or look into, by any Means whatsoever, any Letter directed to, or signed by the proper Hand of, any Member, without an expreſs Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for every such Opening or Looking into, or to detain or delay any Letter, directed to, or signed with the Name of any Member, unless there shall be just Reason to suspect some Counterfeit of it, without an expreſs Warrant of a Principal Secretary of State as aforesaid, for every such Detaining or Delaying.

Then the three other Resolutions were severally read a second Time, and agreed to without any Amendment.

On the 21st of *February* the House went again into a Committee of the whole House, to consider further of the Supply granted to his Majesty, when they came to several Resolutions, which were on the 24th agreed to by the House and were as follow, viz.

‘ That a Sum not exceeding 215,710*l.* 6*s.* 5*d.* $\frac{1}{2}$ be granted to his Majesty, for maintaining his Majesty’s Forces and Garrisons in the Plantations, *Minorca* and *Gibraltar*, and for the Provisions for the Garrisons at *Anapolis Royal*, *Canſo*, *Placentia* and *Gibraltar*, for the Year 1735.

‘ That a Sum, not exceeding 10,273*l.* 1*s.* 7*d.* $\frac{1}{4}$ be granted to his Majesty, for defraying several extraordinary Expences and Services, incurred *Anno Dom.* 1734, and not provided for by Parliament.

A a

‘ That

‘ That a Sum not exceeding 18,850 *l.* 9 *s.* 2 *d.* be granted to his Majesty, upon Account, for Out-Pensioners of *Chelsea* Hospital, for the Year 1735.’

By comparing the Sum granted by the first of these Resolutions, with the Sum granted for the same Purposes in the preceding Session, our Readers will see, that our additional Expence upon this Article for the current Year, amounts to 11,713 *l.* 9 *s.* 2 *d.*

Immediately after these Resolutions were agreed to, Sir *W*———*m* *W*———*m* stood up, and moved to read the Journal of the House of the 5th of *December*, in the 2d Year of the Reign of King *William* and Queen *Mary*, in Relation to the Report from the Committee, to whom the Consideration to the Estimates and Accounts relating to the Army, Navy, and Treasury were referred, which was accordingly read. Then he moved to read the Journal of the House of the 9th Day of *November*, in the third Year of the Reign of their said Majesties, in Relation to the Appointment of a Committee, to inspect the Estimate of the Charge of their Majesty’s Navy for the Year 1692; and the same being read accordingly, he then moved, That the ordinary Estimate of his Majesty’s Navy for the Year 1735, might be referred to the Consideration of a select Committee, and that they should examine the same, and report the Facts with their Opinion thereupon to the House.

The Argument in Support of this Motion was in Substance as follows, *viz.*

SIR,
WHEN I reflect upon the long Peace this Nation has had the good Fortune to enjoy, I am surprised to consider how bad an Use has been made of it by the Publick, how small a Part of our publick Debts has in all that Time been paid off; but when I consider the vast Sums that have been yearly raised in all that Time, when I consider that the People have not been made quite free of any one Tax which the preceding War brought upon them, nor any Tax, except one only, in the least diminished, I am really astonished: I cannot comprehend how it was possible, in every Year of this long Term of Peace and Tranquility, to find so much as plausible Pretences for putting the Nation to such a vast Expence; and I must think, if our Parliaments, for these twenty Years past, had follow’d the laudable Example laid down in the Precedents now read to you, and had

had always appointed a select Committee, to consider and examine the Estimates yearly laid before them, it would not have been possible to prevail with them to agree that such an Expence was necessary.

This, Sir, I wish had been done by every Parliament, not only for these twenty Years past, but by every Parliament since the Revolution: But as it is never too late to do well, and as this is the first Session of a new Parliament, I hope we shall begin to follow that Example which was shewn by the first Parliament after the Revolution. I hope it will not be said, but that Parliament had as good Reason to put a Confidence in the Administration as this Parliament has, or as any Parliament had since that Time; and yet we find that Parliament, in their very first Session, passing an Act, and by Ballot appointing Commissioners, for taking and examining the Accounts of all publick Monies, and resolving that no Person should be one of those Commissioners, who had any Office of Profit, or was accountable to their Majesties; and their Care of the publick Money, in their second and third Sessions, we may collect from the Journals now read to us. For this Reason I am convinced, that what I am now to propose cannot be reflected on, as shewing the least Disrespect to his Majesty, or as tending to shew a Diffidence in our present Administration. It is only shewing that prudent Care of the People's Money, which we ought always to shew as their Representatives, even tho' there were no particular Reason for our being so careful.

But at present, Sir, we have a particular and a very melancholy Reason for resuming the ancient Usage of Parliament: It is well known that Estimates have been every Year laid before this House, of all the Expences which were then supposed to be necessary for the ensuing Year; and notwithstanding those Estimates were very extraordinary, and much larger than were ever before usual in this Nation, yet in every Year ample Provision has been made for the Expences of the ensuing Year, conform to the Estimates that had been laid before the House: This is known to every Man, and every Man that does know it must think it very odd, that in so small a Number of Years such a great Debt should be contracted as is at present due upon Account of our Navy; but it must appear still more surprising when we consider, that in every Session of Parliament Accounts have been laid, or ought to have been laid before this

House, of the Deficiencies, if any, of all former Grants, and likewise of all Services incurred and not provided for by Parliament. If such Accounts had been fully laid before this House, and rightly considered, they would certainly have been examined into in every succeeding Session, the Deficiencies, if real, would then certainly have been made good, and the Services, if found to have been necessarily incurred, would certainly have been provided for, out of the first and readiest of the Grants made for the Service of the next ensuing Year.

This, Sir, is the natural and the only proper Way of providing for all Deficiencies, and for all Services incurred and not provided for by the former Session of Parliament: While this Method is regularly pursued, the Strength of the Nation is not impaired by loading Posterity with Debts and Mortgages, nor can the People be so easily prevailed on to submit to any extravagant and unnecessary Expence; and the Facts being fresh in every Man's Memory, if any Fraud or Fallacy be artfully couched under any of the Articles of the Accounts given in, it may be easily discovered; but when the Nation is thus secretly run in Debt, the Strength of it is daily impaired; the People being ignorant of their Expence, cannot find Fault with any of those extravagant Measures which occasioned that Expence; and when Accounts are brought into this House, in such a Heap, and after the Transactions to which they relate have been all past and forgotten, it is then impossible for Gentlemen, who peruse them only at the Table, to discover the Falshood of any of the Articles, or the Fallacies that may be practised in the Manner of stating the Accounts.

Upon such a slight View, Sir, as I have taken of the Accounts now upon the Table, it is not possible for me to enter upon the particular Articles; but I cannot help taking Notice of one Article, which to me appears to be a very extraordinary one. There is one Article of very near 250,000*l.* charged, not for the Building of Ships, but for the building of Houses; whether such Houses were necessary I shall not now pretend to determine, but if they were, I think it is too large a Sum for any Minister, or for any Administration to have expended, without a previous Authority from Parliament, and that I am sure was never so much as asked for. What the present may think of such a Sum, or what the Gentlemen of this House may think of such a Sum I do not know, but I am sure his Ancestors, even those of the
very

last Age, would have been extremely shy of loading the People with at least a Six-pence in the Pound on all the Lands in *Great Britain*, for no other Purpose but that of building Houses for the Commissioners and other Officers belonging to the Admiralty; and I must think it a little extraordinary to see Ministers, at their own Heads, undertake to do that which even Parliaments of old would scarcely have undertaken to have done. 'Tis true, Parliaments have of late become very good-natur'd, they have put great Trust and Confidence in Ministers, and have generally, I shall not say blindly, approved of all ministerial Measures: This may perhaps have made Ministers presume a little further than they would otherwise have done; but I am very sure that in former Times, nay 'till very lately, a Minister would have dared to have drawn the Nation to such an Expence without an Authority from Parliament for so doing.

This Article would, I believe, Sir, have appeared a little extraordinary, in the most flourishing Circumstances that ever this Nation was in; but in our present Circumstances, when the People are groaning under heavy Taxes, when most of those Taxes are already engaged for the Payment of our Debts, I must think it highly extravagant. We ought to make our Estate our own, we ought to free it from those Mortgages that are upon it, before we think of beautifying it with sumptuous and costly Buildings. However, Sir, let me suppose that this Expence was no Way extravagant, that it was absolutely necessary, yet still it ought to have been provided for by Parliament before it was undertaken, or at least it ought to have been provided for by the very next Session after it was laid out: In that Case the Parliament would probably have taken Care to have saved so much upon some other Article: By that Means our being involved in so heavy a Debt as we are at present would have been prevented, and we would have been in a more tolerable Condition for acting that Part, which in the present Circumstances of *Europe* may make incumbent upon us to undertake.

The Revenues of a Nation, Sir, which always arise from those Taxes the People are obliged to pay, may properly be compared to the Revenues of a private Gentleman's Estate; and every Gentleman who has a regard to his Family, or to his own Credit, will certainly

tainly proportion his Expence and Way of Living to the Revenues of his Estate, taking Care to save as much yearly as may be necessary for providing for the young Children of his Family, and for answering those contingent Expences which future Accidents or Misfortunes may probably bring him into: Such a Gentleman will consider, that if, by his Way of Living, or by any expensive Project, he spends more than the yearly Revenue of his Estate, may, according to this Computation, answer, he must yearly destroy a Part of his Estate; and that the greater this Surplus is, the sooner his Estate and Family will be ruined. Let us suppose then that such a Gentleman had desired his Steward to sit down and compute the Method and Manner how he was to live, the Number of Servants he was to maintain, and the Equipage he was to keep up, so as not to spend yearly more than the Revenue of his Estate could bear, allowing so much yearly for Childrens Provisions, for paying Mortgages, if he had any upon his Estate, and for future Contingencies: Suppose this Steward had prescribed such a Manner of Living, and had for several Years fed him in the Notion, that he was spending no more yearly than his Estate could bear; but at last brings him in a terrible Account of Expences incurred and Debts contracted, and the Manner of Living which he himself had prescribed, and gravely tells him he must sell or mortgage one of his best Manors for paying off those Debts: What would such a Steward deserve? What Treatment could he expect to meet with? Surely he must at least expect all his Accounts to be canvassed and examined into in the strictest Manner, and that his Master would never place a Confidence in any of his Schemes or Calculations for the future.

The Case, Sir, is the same with this Nation at present: We have been cajoled and made believe, that what we were spending yearly was no more than the Taxes yearly raised would answer: These Taxes have been chearfully granted by Parliament, and as chearfully paid by the People, in full Expectation that these were all that were necessary for answering our annual Expence; but now, Sir, when we are in Danger of being brought into a great but unforeseen Expence, we are told that we have run much in Arrear, that a great Debt has been contracted, and that for the Payment of this Debt we must either mortgage those Funds which ought to be reserved for a Time of Danger, or we must lay violent and impious Hands upon those Funds which have been

ago declared sacred, and religiously appropriated for
erving us from those heavy Burthens we at present
an under. While we are Members of this House,
we are the Trustees and Guardians of the People;
when the People have been so much cajoled and de-
ved, when they have been thus insensibly run into a
vy and an unexpected Arrear, shall we approve of the
Accounts of those Services by which that Arrear has
occasioned, without examining strictly into every
icle? I must think we are, both in Honour and Con-
science, bound to examine them in the strictest Manner,
therefore I shall beg Leave to move, &c. (as before-
mentioned.)

To this it was answered in Effect as follows:

SIR,
THE Affairs of *Europe*, and the various Incidents
that have occurred since the famous Peace of
Utrecht, are so fresh in every Man's Memory, that I
think it very unnecessary to enter into any particular De-
tail of them; and therefore I shall only observe in gene-
ral that every Man, who knows any Thing of the Hi-
story of *Europe* for these last twenty Years, may very
easily give a Reason why we have not been able to pay
any very considerable Part of our publick Debts.
There was no Method of paying off honestly and fairly
of our Debts formerly contracted, but by encreasing
publick Revenue, or saving a Part yearly of that
which had been before established; and any Gentleman
who will attend to our Conduct for these last twenty
Years will see, and must acknowledge, that both these
Methods have been pursued as much as it was possible.
We could not encrease the publick Revenue by imposing
new Taxes, for our People think they are already
burthened with too many; and if any such Method had
been proposed, it would certainly have been opposed,
perhaps by some of those Gentlemen who now find
themselves with so small a Part of our Debts having been
paid off: The only other Method of encreasing the
publick Revenue was, by having the Taxes carefully
collected, and thereby endeavouring to encrease the
produce of each; and this has been pursued with the
most Care and Industry, insomuch that most of our
Taxes produce more now than they did twenty Years

With

With Respect to the saving a Part of the public Revenue which had been before established, it could be done no other Way but by reducing the Interest payable to the Creditors of the Publick, or by reducing the publick annual Expence: The first of these Methods I believe it will be acknowledged, has been pursued with great Industry, and luckily for the Nation, with great Success; and no Man can with Justice say, that for the twenty Years past the Nation has been put to any expence but what was absolutely necessary, according to the Circumstances the Affairs of Europe, or the Affairs the Nation were in at the Time; nor has it been put to any Expence but what was regularly laid before Parliament, and always approved of by Parliament: that the finding Fault with any Part of our Conduct these twenty Years past, is not really finding Fault with the Conduct of our Ministers, but with the Conduct of the King and Parliament.

I shall agree with the Hon. Gentlemen, Sir, that the Estimates have been every Year laid before the House what was then supposed to be necessary for the Service of the ensuing Year; and I hope they will agree with me that it was right to do so; but I never heard that the Gentlemen who computed those Estimates and laid them before Parliament pretended to be infallible; and as they never pretended to be so, they have often found themselves wrong; the Estimates they have given in have often been found to be deficient, some of the necessary Services have been sometimes omitted, or the Sums thereby allotted have been found not sufficient for answering the Service for which they were appointed, and this is one of the Reasons why so large a Debt now appears to be due on Account of the Navy: Another Reason is, that the Funds appointed by Parliament for raising those Services which were yearly granted by them for the Service of the Navy, have been always found deficient; and another Reason is, that the Parliament have often found it necessary for the Safety of the Nation, to give his Majesty Votes of Credit, in Pursuance of which some additional Expences have been incurred, above what were mentioned in Estimates yearly given in at the Beginning of the Session; and as such Expences were generally incurred by making Additions to our Navy, which is the natural Defence of this Nation in all Times of Danger, has greatly encreased the Debt due on Account of the Navy.

Navy, and is one of the chief Reasons why that Debt is now become so considerable.

All these Deficiencies, as soon as they were known, have been every Year regularly laid before Parliament; some of those Accounts relating to the Navy Debt, which are now upon your Table, have been for several Years successively laid upon your Table, and all of them, except some few Articles which have lately accrued, were laid before the last Session of Parliament; but for what Reasons I shall not pretend to determine, the Parliament never thought fit to provide for those Deficiencies, or to pay off any Part of that Debt which had been thereby occasioned; tho' I must suppose that, as the Accounts were regularly laid before Parliament, when the Facts and the Transactions to which they related were fresh in every Man's Memory, if any Error or Fallacy could have been pointed out, or if any Objection could have been made to any one of the Articles, it would not only have been taken Notice of in this House, but would have been made a Subject for Clamour over the whole Nation; for there always have been, and I hope there will always be, a great Number of Gentlemen in this House not only capable, but ready and willing to discover any Falshoods or Fallacies that may be artfully foisted into our publick Accounts; and if any such Discovery had been made, our Transactions are not so secret, but those who are disaffected to his Majesty's Family and Government, or discontented with the Administration, might have got hold of the Discovery, and would certainly have from thence endeavoured to have raised a popular Clamour, at least against the Administration: For this Reason I must suppose, that all the Accounts upon your Table have already been sufficiently canvased, and therefore I cannot think there is any Occasion for appointing a select Committee for that Purpose:

As for the Article, Sir, which the Hon. Gentlemen have been pleased to distinguish by a particular Remark, it is certain that Houses, Docks, Dock-yards, and Magazines, are as necessary for the Support of our Navy as Ships of War; and it is as necessary to rebuild the former, when fallen to Decay, as it is necessary to rebuild the latter. To pretend that Ministers, by Directions from his Majesty cannot nor ought not to order a Dock, Dock-yard or Admiralty Office to be repaired or rebuilt, without having first laid the same before Parliament, seems to me something very extraordinary; it may be as

well pretended, that they ought not to order a Man of War to be rebuilt or repaired, without having first laid the same before Parliament: In this Respect the Greatness or the Smallness of the Sum can make no Difference, it is the Nature of the Service only we are to regard, when we are to determine, whether it ought or ought not to be laid before Parliament before it be undertaken; and surely no Man will say, but that his Majesty, or his Ministers by his Direction, may give Orders to rebuild a Man of War, or to repair or rebuild a publick Office, without having first laid the Affair before Parliament for their Approbation. I believe it will be granted, and if it were enquired into it would be found, that no Money has been laid out in this Way, nor any Houses built, but what were absolutely necessary; and if there had been any Falshood or Fallacy in any of the Accounts relating to that Expence, as they have been long upon the Table, it would certainly have been discovered, and would long before now have been taken Notice of.

Thus it must appear, Sir, that the Story we have been told of a Steward's running his Master in Debt, is no Way parallel to the present Case; for this Nation has been run into no extraordinary Expence, but what had not only the Authority of Parliament before it was undertaken, but the Approbation of Parliament after it was laid out; and if any Debt has been contracted, if the Funds appropriated for the Service of the Year have proved at any Time deficient, or if any Services have been incurred which were not provided for by Parliament, those Deficiencies and those Services have been regularly laid before Parliament as soon as they could be brought into an Account: And it is very certain, if a Steward should run his Master into no Expence but what he had a previous Authority for, and should fairly and honestly lay before his Master every Year, or as often as it could possibly be done, a full Account of the Debt he had contracted in the preceding Year, that Steward could deserve no Censure from his Master, nor would his Master have any Reason for examining his Accounts, in a more particular Manner than he had ever done those of any other Steward.

Now, Sir, as it must be granted that the naming of a select Committee, to enquire into and examine any Accounts or Estimates, is a very extraordinary Method of proceeding, a Method which has not been practised for many Years, and never was often practised, we must
suppose

suppose it will give a general Alarm, and will make People imagine that some Frauds have been committed, or at least that there is a Suspicion that some Frauds have been committed: This will of Course throw a Reflection upon his Majesty's Government; and therefore I think we ought not to enter into any such Method without some very strong Reasons; and as I can see no Reason for our entering into any such Method, as I can see no Good that can be expected from any such Method, as I am convinced it will do a great deal of Mischief, by raising Jealousies and Fears among his Majesty's Subjects, therefore I must be against the Motion.

The Reply was:

SIR,

IT is from the Knowledge I have of the History of this Nation in particular, and the History of *Europe* in general, that I am so much surprized, with Respect to the small Part of our publick Debts that has been paid off, notwithstanding the Continuance of all our Taxes, and the vast Sums that have been raised in every Year of that Time; and the more I consider it, the more I am surprized, the less I can account for the unprofitable Use we have made of such a long Term of Peace and Tranquility: But I am still more surprized to hear any Gentleman say, that all possible Methods have been pursued, either for diminishing the publick annual Expence, or for diminishing the annual Interest due to the Creditors of the Publick; on the contrary I am convinced, that all possible Methods have been pursued for encreasing the first, and no Opportunities have been embraced for reducing either the Principal or the Interest due to the Creditors of the Publick, but such as durst not be refused or neglected.

We have been for these twenty Years in a continued Course of publick Peace and Tranquility, at least we have no War declared, nor any Broil with any of our Neighbours, for which a good Reason can now, in my Opinion, be given or from which this Nation has reaped any visible Advantage; and yet in every Year of that Time we have been very near at as great an Expence, as we were at in any one Year of the heavy War in King *William's* Reign: We have had numerous Armies kept up within our own Country, we have maintained many Princes, and many Armies in foreign Countries, and we have sent many expensive Squadrons into almost all Places

of the World; and I should be glad to hear a Reason for any of our naval Expeditions into the *Baltick* or the *Mediterranean*, given by those who are now for our looking quietly on to see the Emperor stripp'd of his Dominions in *Italy*, and *Muscovy* prescribing Laws, and giving Sovereigns to its neighbouring Kingdoms: In like Manner, I should be glad to hear a Reason for our being so much alarmed at the Treaty of Alliance only, between *Spain* and the Emperor, given by those who now seem to be so little alarmed at a Treaty, not only of Alliance but of Conquest, between *France*, *Spain*, and *Sardinia*: This, Sir, I do not say with a Design to insinuate that we have as yet any great Reason to be alarmed at this last Alliance, but I must think we had from the Beginning much greater Reason to be alarmed with it, than ever we had to be alarmed with the former; and I must think it would now have been more justifiable in us to have thrown ourselves into the Arms of the Emperor, in order to have prevented the Consequences of this last Alliance, than ever it was to throw ourselves into the Arms of *France*, in order to prevent the Consequences of the former: From all which I must conclude, either that a great Part of the Expence we have formerly been at might have been saved, or that our present Inactivity is highly dangerous and utterly inexcusable; and which of these two to choose, I shall leave to the Gentlemen who now so strenuously insist, that for these last twenty Years we have taken all possible Methods to diminish our publick annual Expence.

Now, Sir, as to the diminishing of the Interest payable to the Creditors of the Publick, can it be said that we have taken any one Method to diminish it, but what the Nature of the Thing and the Circumstances of the Nation plainly and directly pointed out, nay so plainly, that it would have been highly criminal in any Administration to have neglected the Opportunity? But if we had applied the Sinking Fund, religiously and regularly to the Payment of our publick Debts, if we had saved every farthing of that Expence, which has been thrown away in maintaining numerous idle Armies, and sending out many idle Squadrons, and had applied all those Savings to the same honest Purposes, the Principal of our publick Debts would have been so greatly reduced, that the Creditors who remained unpaid would have been glad to have taken what Interest we were pleased to allow them: Nay, I do not know but the Principal would, by
this

this Time, have been so greatly reduced, that the three great Companies would have been glad to have passed from the Payment of any future Interest upon what was due to them, in order to have had their Charters continued.

Whether Accounts were regularly laid before Parliament of the present Navy Debt, yearly as it became due, is what I shall not pretend to deny, because I do not really know whether it was so or not; but if this be true, which I shall, in Complaisance to the Hon. Gentlemen, admit, it is the strongest Argument that can be given for what is now proposed; it is a full Confirmation of that old Proverb, That, *what is every Man's Business, is no Man's Business*, and therefore an unanswerable Argument for our returning to the old Custom of Parliament, and appointing select Committees every Year to consider and examine every Estimate that is laid before us: For I hope no Man will say but that we ought, in Time of Peace especially, to raise as much within the Year as will answer the Services of the Year; and if any Deficiency should happen in the Funds granted for one Year, or if it should be found that the Estimates were deficient, all those Deficiencies ought certainly to be made good the very next Year. It is certainly inconsistent with the publick Good to leave Arrears long due, because when Tradesmen, or those who furnish the Publick with what is necessary for publick Use, must lie for Years out of their Money, it is certain they neither can nor will serve the Publick so cheap as when they know they are sure of their Money in Hand, or within a few Months after the Goods are delivered; and the longer any of those Arrears stand unpaid, the more expensive will the future Contracts of the Publick always be, the greater Price will they be obliged to pay for every Thing that is afterwards bought for the publick Use.

With Respect to Ministers, indeed, and the Tools employ'd under them, I must observe, Sir, that it is of great Advantage to have publick Accounts stand long in Arrear; and this Advantage is greater in the Navy than in any other Branch of publick Business, because Tradesmen, and others who serve the publick, but especially Seamen, cannot lie long out of their Money; if they cannot get their Money soon after it becomes due, they must go to Usurers, ministerial Tools, and such like Extortioners, to sell or pledge their publick Securities;

Securities; this brings such Securities to Discredit and Discount, and the more there are of them, the longer they are of being paid, the greater Discount they come to be at; so that at last they furnish a plentiful Harvest to Ministers and their Favourites; for when the Discount upon those Securities is raised to a sufficient Height, Ministers then give the watch Word to their Agents and Favourites to go out and purchase; and when they have got them all, or most of them into their Hands, then the ministerial Bowels begin to yearn for the Sufferings of the publick Creditors, in having lain so long out of their Money, and great Merit is assumed from their coming to a compassionate Resolution, to have such or such a Class of publick Creditors paid off. This House is always too good-natur'd to refuse such a just and such a benevolent Request, and thus Usurers, Extortioners, and ministerial Tools, get the full Value of those Securities which they purchased at a great Discount. This, Sir, I shall not say is the Case at present; but I must say I am apt to believe, If an Enquiry were made into the Affair, it would be found that there is but a very small Part of the Debt due upon the Navy now in the Hands of those who were originally the Creditors of the Publick; and even this, Sir, is, in my Opinion, an Enquiry not unworthy of the Representatives of the People of *Great Britain* in Parliament assembled.

But, Sir, whatever the Interest of Ministers may be, it is certainly the Interest of the Publick to pay off their Debts regularly, and as soon as possible; and as I am convinced every Gentleman now, or formerly, in this House, has, and always had the Interest of the Publick more at Heart than the Interest of the Minister; therefore I am convinced, that if these Accounts have been upon our Table all the other Gentlemen of the House are in the same Condition with me; they are so far from having canvassed every Article of them, that they are quite ignorant of their having been ever laid upon the Table before this Session of Parliament: If any Gentleman had but cast his Eye upon such Accounts, in any preceding Session, and had observed the Arrears standing unpaid, or unprovided for by Parliament, his Regard for the Publick, his Regard for the distressed Creditors of the Publick, would certainly have prompted him to have moved to have had them taken into Consideration, and paid off long before now; nothing could have prevented it but a Neglect, which has been occasioned by its
not

not having been made the Concern of any particular Set of Men; and for this Reason we never ought to think sufficient to have Accounts or Estimates laid upon our Table, we ought always to refer the Consideration of them to select Committees; and thus, by making it the particular Business of a few, we may expect they will never be neglected and over-looked, as those now before seem to have been, by their having been left to the care of the whole House.

I must beg Leave, Sir, to differ with the Hon. Gentlemen when they say, that the Nature of the Service is only to be regarded, when we are to determine, whether it ought or ought not to be laid before Parliament before it be undertaken; for, in my Opinion, the Sum to be laid out ought likewise to be considered: If the Sum to be laid out be but small, and the Nature of the Service such as of Course often occurs, it may be undertaken without any particular Directions or Authority from Parliament; but if the Sum comes to be very large, tho' the Nature of the Service be such as has often occurred, and has generally been undertaken without any particular Directions from Parliament, yet such Directions become necessary when the Sum is much larger than what is usually required for that Service: His Majesty may, without Doubt, give Orders to have a Man of War, or perhaps half a Dozen in a Year, repaired; but if by the neglect of former Times, or by any great Misfortune, it should become necessary to lay out, in any one, two, or three Years, a very large Sum for that Purpose, it should then become proper to lay that Necessity before Parliament, and I think no Minister ought to undertake such an extraordinary Service without having first obtained an Authority from Parliament for so doing: In the case mentioned, I believe it will be granted, that the building of Houses is a Service that does not often occur; and I am very sure the Sum that has been laid out, which now makes a great Part of our Navy Debt, is a much larger Sum than was ever laid out in this Nation upon such a Service, in so small a Number of Years; nay, I do not know but it amounts to more than has ever before expended in this Nation for building Ships, or any other Sorts of Buildings for the Use of the Navy, or the Officers of our Navy; and therefore, with Respect to the Nature of the Service, and the Sum to be laid out, it ought not to have been undertaken without a previous Authority from Parliament.

Sir,

Sir, if the Nation has been run into any unnecessary Expence, if any unnecessary and unprofitable Services have been undertaken, I am sorry to hear it said, that nothing has been undertaken, nor any Expence incurred without the Authority and Approbation of Parliament; but, Sir, if it were so, the Authority or the Approbation of former Parliaments can be no Reason for giving our Approbation of what they have approved of, or following their Example in giving our Authority for undertaking such Services for Years to come, as they have authorised for Years past: We are under no greater Obligation to approve of what was approved of by the very last Parliament, than we are under to approve of what was approved of by that Parliament in King Charles the Second's Reign, which was called the *Prodigal Parliament*; and I believe, if a Gentleman Steward should, by Ways and Means, obtain his Authority for, or Approbation of, any extravagant and unnecessary Expence, he would be very apt, and would have good Reason to censure his Steward's Conduct, when he found himself imposed on, his Revenues all mortgaged, and his Family ruined: If it should appear, that such a Steward had raised for himself an opulent Fortune upon the Ruins of his Master's Estate, his Master, or at least the next Representative of the Family, would certainly enquire into that Steward's Conduct, and notwithstanding the Authority or Approbation obtained, would certainly, if possible, seize upon the Steward's Estate and apply it towards the Relief of his own.

To pretend that what is now proposed will raise Jealousies and Fears among the People, or give them a Suspicion of his Majesty's Government, is an Argument which I find, Sir, is always to be brought in over the Head and Shoulders, when any Attempt is made to enquire into the Conduct of his Majesty's Ministers; but would have Gentlemen consider, that the proper Business of Parliament is to enquire into the Conduct of Ministers: It is one of the chief Ends of our meeting in this Place, and if the People find that such Attempts are always over-ruled or disappointed, it will give them a Suspicion, not only of his Majesty's Government and the Conduct of his Ministers, but it will give them likewise a Suspicion, and a just Suspicion too, of the Conduct of Parliament: We ought to consider what it was that gave the Parliament I have mentioned, in King Charles the Second's Reign, the ignominious Epithet

now bred with; and if the People should conceive any such Suspicion of this or any future Parliament, it would raise real Jealousies and Fears among them, it would make them despair of ever having their Grievances redressed in a legal Way, and that Despair might drive them into the most violent and the most terrible Methods of seeking Redress; and therefore I wish that Gentlemen would, upon all Occasions, distinguish a little between his Majesty and his Ministers, and never allow the respect they may have for the latter, to over-balance the Duty they owe to the former.

The Respect that former Parliaments have shewn to the Ministers for the Time being, and the great Confidence that has for a long Time been put by Parliament in their conduct, is, I am afraid, one of the great Causes that this Nation now remains groaning under such a Load of Debts and Taxes; and therefore it is now high Time for us to reassume a little of that Jealousy which was indulged by our Ancestors, and which has so often proved to be of the most signal Benefit to this Nation. We have been talking big, Sir, of putting ourselves in a Condition to compel the Acceptation of the Terms of Peace we are to propose, but I wish we may not find that our Neighbours are too well acquainted with our Circumstances to be afraid of any Thing we can do: They know, I am afraid, that our People are already as heavily taxed as they can with any Patience bear: They know that all those Taxes are already engaged, either for the Payment of our Debts, or for the Support of our civil Government; and when they know us to be in such melancholy Circumstances, can it be supposed that our Menaces will have a great Influence upon any of their Resolutions: But if they should find that our Parliaments were beginning to look closely into the Management of our publick Affairs, they would from thence conclude, that the Use would be made of every Shilling hereafter to be raised, they would conclude, that the People would contribute with the more Alacrity, and from thence they will probably be induced to give some Attention to whatever we may think necessary to propose, for restoring the Peace of Europe. For this Reason, if there were no other, we ought to agree to what the Hon. Gentleman has been pleased to propose.

The Question being at last put upon the above Motion it was, upon a Division, carried in the Negative, by 198 to 168.

The principal Speakers for this Motion were, Sir *W——m W——m*, *S——l S——ys*, Esq; *P——*
G——n, Esq; the *M——r* of the *R——lls*
W——m P——y, Esq; and others; and those against it were, Sir *R——t W——le*, *H——o W——le*
 Esq; Sir *W——m Y——ge*, *T——s W——*
 Esq; Col. *B——n*, &c.

Upon the Mutiny Bill's being reported to the House on the 26th of February, Sir *W——r B——t* one of the Knights for *S——dshire*, stood up and spoke to this Effect: That since the House had found it necessary to make such a large Addition to the Army, and seemed inclined to continue the severe Penalties on Deserters, and the Method of recruiting prescribed by That, and former Bills of the like Nature, he thought it was necessary to add some Clause, in order to make the Bill less dangerous to the Subject than it was as it then stood. That by a Clause in the Bill it was proposed to be enacted, as in former Bills, That if a poor Country Fellow should enlist with an Officer and take his Money, and should afterwards, when carried before a Justice, refuse to declare himself enlisted, and take the Oaths prescribed by Law for that Purpose, it should then be in the Power of the Officer to send such a poor Fellow to Prison, and confine him in a Dungeon for a whole Month, even tho' it should appear that the poor Fellow was inveigled to enlist when he was drunk, and was willing to return the Money he had taken, and satisfy all the Charges the Officer had been at. This Power of confining a Poor Fellow in a Dungeon, where he might be in Danger of starving, was, he thought, too great a Power to be intrusted absolutely in the Hands of an Officer: It was no Way necessary for his Majesty's Service, and might be of dangerous Consequence, because it might tempt some Officers to practise all the inveigling Arts they could think of, not with an Intention to recruit his Majesty's Forces, but to compel poor Country Fellows to give them a Sum of Money, by Way of Composition, for being discharged from the Bargain they had made when drunk, or in a Passion, and from being freed from the Confinement to which the Officer had by Law an uncontrollable Power to subject them; therefore that he would beg Leave to offer a Clause to be added to the

Bill, which was to this Effect, ' That every Officer, who should thereafter inlist any Man to serve in any Regiment, should within Days carry the Man so inlisted before some one of the next Justices of the Peace, where the Man so inlisted should be at Liberty to declare his Dissent, and his having repented of what he had done; and upon his so doing, and returning to the Officer the inlisting Money, and the Expences the Officer had been at by inlisting him, and carrying him before the Justice, not exceeding the Sum of such Justice should forthwith discharge him: And that an Officer, guilty of any Failure or Neglect in this Respect, should be liable to the same Penalties to which Officers are made liable for false Musters.'

This Motion was seconded by T——s Br——r, Esq; one of the Knights for the County of E——x, who informed the House, That he actually knew a Case, where a poor Fellow was inveigled when he was drunk, and when he came to be sober, he repented of what he had done, and therefore refused to take the Oaths when carried before the Justice; but the Officer insisted upon his being sent to Prison, and confined for a Month in the Terms of the Act of Parliament, tho' the poor Fellow offered to return the inlisting Money and all Charges; and it not being in the Power, or not in the Inclination of the Justice to refuse the Officer's Demand, the poor Fellow was accordingly sent to Gaol, where he remained for some Time; but having no Viſuals nor Drink, he was at last compell'd to go before the Justice and take the Oaths prescribed, in order to prevent his being starved in Gaol.

To this it was answered by Lieut. Gen. W——de, H——y B——ey, Esq; P——ck L——ay, Esq; and W——m H——y, Esq; in Substance, That what was proposed by the Clause offered, had already been taken Care of by his Majesty's Orders and Directions for regulating the Army; for as no Soldier could be tried for Desertion or Mutiny, upon the Mutiny Act, unless he had taken the Oaths prescribed by that Act before some Justice of Peace, therefore his Majesty had given a general Order to all Officers, that no Recruit should be brought to or entered in any Regiment, 'till he had been first regularly inlisted, and had taken the Oaths prescribed by Law, before some of his Majesty's Justices of the Peace; so that by his Majesty's Orders,

every Officer was obliged to do what was proposed by the Clause offered; and as the Bill then before them was of the same Nature with former Bills against Mutiny and Desertion, it would be absolutely necessary to continue the same general Order to all Officers, with Respect to their carrying Recruits before some Justices of Peace, therefore they thought it was unnecessary to add any Clause for that Purpose; and it would be attended with many Inconveniencies, several of which they mentioned, particularly, That it would be often inconvenient, and sometimes impossible for an Officer to carry a Recruit before any Justice within the Time proposed, or within any limited Number of Days.

It was replied by Sir W——m W——m, Sir J——n B——d, S——l S——ys, Esq; and others, to this Effect, That the very Clause then proposed had been in several Mutiny Bills during the Reign of King William, tho' it was then in Time of War, and recruiting of Course more difficult than it could be supposed to be at present. That the Hon. Gentlemen could not say, that by his Majesty's Order they had mentioned, or by any Order his Majesty could give, the Justices of the Peace was obliged to discharge the Man inlisted, upon his declaring before his having repented of what he had done, and returning to the Officer the inlisting Money, and all the Charges the Officer had been at in inlisting him. That this was what was proposed by the Clause offered; it was proposed to lay an Obligation upon the Justice, and to give a poor Fellow an Opportunity to get off upon reasonable Terms, in Case he should repent of what he had done; neither of which had been, or could be effected by any Order his Majesty had given, or could give for regulating the Army. That the Grievance complained of was, the inveigling of Men to inlist, and making a Property of them after their having been so inveigled; and this was a Power or Privilege which they hoped no Officer would insist on: The abolishing of this Power or Privilege was what was chiefly aimed at by the Clause offered, and therefore they hoped the House would agree to it.

Sir R——t W——le and H——y P——m, Esq; having at last declared, That they would be for the Clause if it was not, or could be so fashioned as not to be attended with any great Inconvenience to the Service; they therefore proposed, that the Debate should be adjourn'd till next Day, in order that such a Clause might

might be contrived as might prevent the Grievance complained of, without being attended with any great Inconvenience to the Service: And it being admitted on the other Side, that the Clause, as it then stood, might perhaps stand in Need of some little Amendment, it was agreed to adjourn the Debate 'till next Day; when the Clause, as it now stands in the Mutiny Act, was agreed to, and added to the Bill.

On the 28th of February, his Majesty came to the House of Peers, and the House of Commons being sent for, his Majesty was pleased to give the Royal Assent to the Bill entitled, *An Act for continuing the Duties upon Malt, &c. in that Part of Great Britain called England; and for granting to his Majesty certain Duties upon Malt, &c. in that Part of Great Britain called Scotland, for the Service of the Year 1735; and to one Naturalization Bill.*

The same Day the House of Commons having (according to Order) resolved itself into a Committee, to consider further of the Supply granted to his Majesty; and the Treaty with *Denmark*, dated the 30th of September, N.S. being the 19th, O.S. 1734, having been referred to the said Committee, a Motion was made as follows, viz.

' That it was the Opinion of that Committee, that
' the Sum of 56,250 *l.* should be granted to his Majesty,
' on Account of the Subsidy payable to the King of
' *Denmark*, pursuant to the Treaty bearing Date the
' 19th Day of September, 1734, for the Service of the
' Year 1735.

This occasion'd a long Debate, in which many of the Arguments for and against the Augmentation of our Sea and Land Forces were here again repeated; but these we having already given an Account of, we shall now give only that Part of this Debate which relates particularly to the Treaty.

The Argument for the Motion was to this Effect, viz.

S I R,

ALTHOUGH we are not engaged in the present War, nor have any particular Interest for inducing us to engage in it; yet, as the Balance of Power in Europe depends very much upon the Event of the present War, we do not know but we may be soon brought under
a Necessity

a Necessity of joining one or other of the Parties now engaged in War, in order to preserve the Liberties of *Europe*, and consequently our own; therefore it is incumbent upon us to provide in Time, and to strengthen ourselves before-hand, not only by increasing our Forces at Home, but by engaging as many foreign Powers as we can to join with us upon any such Event. In such a Situation it was natural for us to cast our Eye first towards *Denmark*, because the Interest of that Nation is generally the same with our own; and on the present Occasion it was the more necessary, because great Endeavours were making Use of to have engaged that Court upon the other Side of the Question; so that if we had not taken Care to have engaged that Nation in an Alliance with us, it was very probable, and very much to be apprehended, that a certain other Power might have succeeded in their Endeavours for engaging that Nation in their Interest, which might have proved of the most fatal Consequence to the Liberties of *Europe*, and consequently to those of this Nation.

The Experience of the last two Wars against *France*, may convince us how dangerous it is to allow any of the Powers of *Europe* to exalt itself too much, and how expensive it may prove, to reduce a Power that has once got too great an Ascendant over its Neighbours: This engaged his Majesty's Attention as soon as the War broke out, and he has been ever since using all his Endeavours, in Conjunction with our Allies the *Dutch*, to reconcile the Differences now subsisting in *Europe*, and to put an End to the present War, by a just and a reasonable Peace, before either Side should become so formidable by Success and Conquest, as to make it necessary for this Nation to engage in the War, in order to reduce that Power which the Fortune of War had begun to make formidable. In Pursuance of his Majesty's gracious and wise Intention, a Plan of Peace has already been offered to the Parties engaged in War; and the only effectual Way for rendering his Majesty's Endeavours successful, by the Acceptance of this Plan, was, to render ourselves formidable by our foreign Alliances, as well as by the Augmentation of our own Forces both by Sea and Land; for by so doing, we render'd it dangerous for either of the Parties engaged in War, to attempt to amuse us with Negotiations, or to shew themselves obstinate, in refusing to give Ear to those just and honourable Terms of Peace, which

which his Majesty and his Allies were preparing to offer them.

The Expence which this Nation is to be put to by Means of this Treaty with *Denmark*, must appear but very inconsiderable to every Gentleman who considers, that we thereby not only secure the Friendship and Assistance of a very powerful Kingdom, but prevent their being engaged against us, in Case the future Event of the War should make it necessary for us to join the other Side; and in all Cases, either of a publick or a private Nature, it is certainly the Height of Wisdom and Prudence, upon any Emergency, to lay out a small Sum of Money, when it is probable we may, by so doing, prevent our being afterwards brought under a Necessity of putting ourselves to an immense Expence, and risking perhaps all that we are worth in the World. This is the very Case at present, in Relation to our Treaty with *Denmark*; for we may probably, by that Treaty, prevent the Continuance of the War, or at least we may prevent either Side's pushing their Conquests so far, as to make it dangerous, and yet necessary for us to engage against them.

It is well known that Nations are, in all their publick Transactions, entirely governed by their own Interest; and as we knew, as all *Europe* knew, that great Offers were making to *Denmark*, in Order to engage them on that Side, against which we might soon find ourselves under a Necessity to engage, therefore it became absolutely necessary for us to step in seasonably, and to offer them such Terms as might convince them, that it was more their Interest to join in an Alliance with us, than to join in an Alliance with either of the Parties engaged in War: I must therefore think, that the concluding of this Treaty was one of the most prudent Steps his Majesty could take, and the Conditions on our Part are so reasonable and so easy, that I think every Gentleman in this House must approve of them, and that therefore the Motion now made to us will be agreed to without any Opposition.

The Answer to this was in Substance as follows, *viz.*

S I R,

I AM glad to hear that we are as yet no Way engaged in the War, and that we have no particular Interest for inducing us to engage; for if it be so, I am sure it is
ridiculous

ridiculous in us to put the Nation to a great Expence, in Order to provide against the Danger which may probably never happen. If we have nothing for inducing us to engage, but only the Danger the Balance of Power in *Europe* may be in by the Event of the War, we might have saved ourselves a great deal of Expence, and may rest easy and quiet till one of the Parties now engaged in War begins to push their Conquests so far, as to endanger the Balance of Power; then, and not till then, will it be necessary for us to engage, and till then it is quite unnecessary for us to put ourselves to any Expence: Nay, it is not only unnecessary, but very imprudent in us to precipitate ourselves into an Expence, before any Danger appears, because it is wasting the Strength of the Nation before we come to engage the Enemy, before the Enemy so much as appears in View.

As we have no particular Interest of our own for inducing us to engage in the present War, as we can have no Reason for engaging in it, but only from the Danger the Balance of Power may come to be in by the Event; in this Event, all the Powers of *Europe* are concerned; they are all as much, and more, interested in the Preservation of that Balance than we are; and if it should come to be in any real Danger, they would certainly engage in its Defence, without receiving any Bribe or other valuable Consideration from us; but if we should thus make ourselves the *Don Quixots*, or rather the Dupes of *Europe*, if we should be always the first to take the Alarm upon any War's breaking out, and should run about among the Powers of *Europe*, offering Bribes and Pensions to all the Princes and all the Ministers of State in *Europe*, the whole Charge of preserving that Balance would fall upon this Nation; and every Prince and Minister in *Europe* would, upon every such Occasion, expect a Bribe or a Pension from *England*, for doing that which he would otherwise be obliged to do for his own Preservation: Even the *Dutch*, who were the first that possessed us with that Notion of preserving the Balance of Power, which has already cost this Nation such incredible Sums of Money, may at last refuse to assist, when the Balance of Power is really in Danger, unless we submit to make the Grand Pensionary of *Holland* a Pensionary of *England*, and to take a great Number of their Forces into *English* Pay.

It is really surprising to hear Gentlemen talk of the Balance of Power's being at present in Danger, and that
we

we must already begin to provide, and to put the Nation to a great and immediate Expence for its Preservation, when there is not a Prince or State in *Europe*, who seems to apprehend that it is in the least Danger: The *Dutch* are so far from being apprehensive of any such Thing, that they have not put themselves to one Shilling Expence on account of the present War, or on account of that Mediation which they are engaged in as well as we: The Princes and States of *Germany*, who would certainly be the first Sacrifices to the over-turning the Balance of Power in *Europe*, are so far from being apprehensive that it may be in Danger by the Event of the present War, that some of the most considerable of them have actually engaged in a Neutrality with Respect to the present War, and not one of them, but the Emperor only, has exerted, or is preparing to exert his whole Strength in Defence of the Empire: Even the King of *Denmark*, whom we have thought it necessary, it seems, to engage by a considerable yearly Pension, is himself a Prince of the Empire, and would certainly suffer by the overturning the Balance of Power in *Europe*, much sooner than it can be supposed this Nation could suffer, and therefore we must conclude, that it is more immediately his Interest to engage, not only in Defence of the Balance of Power, but in Defence of the Empire; yet we, it seems, have been so generous as to promise to reward him bountifully for doing what is absolutely necessary for his own Preservation. This is a most pernicious Example, it may at last bring the Balance of Power into real Danger, because it may tempt all the Princes of *Europe* to neglect it, until we submit to be so ridiculous as to grant them yearly Pensions for taking Care of it; and I do not know but this very Precedent has now provoked all the other Princes of *Germany* to stand aloof, on Purpose to engage us to extend our Bounty in the same Manner to each of them.

To tell us, Sir, that if we had not enter'd into this Treaty with the King of *Denmark*, he might have been prevailed on to have concluded a Treaty with a certain other Power, which might have been prejudicial to us, is, in my Opinion, something very odd; for we must suppose, either that we had no Occasion to enter into any Treaty, or we must suppose that the King of *Denmark* would have enter'd into no Treaty which could have been prejudicial to us: If the Balance of Power was not like to be in any Danger, we had no Occasion to

enter into any Treaty, and if it was like to be in Danger, we cannot suppose that *Denmark* would have concluded any Treaty contrary to that natural Engagement they have to preserve it; much less can we suppose that they would have concluded any Treaty, by which it might have been brought into Danger. Princes, 'tis true, do not always see their real Interests; but if we resolve upon every Occasion to clear their Eyesight by a Bribe or a Pension, I am afraid none of them will ever open their Eyes, without receiving some such Remedy from us. We are never to suppose that any Prince of *Europe* will engage against the Liberties of *Europe*, or will perform any former Engagement, when the Performance comes to be apparently inconsistent with the Liberties of *Europe*, and consequently with his own Independency, unless he be very much blinded and misguided by some private and particular Interest of his own; and of all the Princes of *Europe*, the King of *Denmark* is, in this Respect, the least liable to any Temptation: There are several other Princes of *Europe* who may be tempted to join with those who may have Designs against the Liberties of *Europe*; because they may be made from thence to expect some Addition to their own Dominions; and these are the Princes upon whom we ought to have a watchful Eye; these are the Princes, if any, upon whom we ought to bestow our Bribes and our Pensions, in order to keep them firm to the general Interest of *Europe*: If we had by any Subsidy or Pension engaged the Duke of *Bavaria* in an Alliance; if we had by any Subsidy or Pension disengaged the King of *Sardinia* from his present Allies; or if we had laid out a Sum of Money in engaging the *Polanders* to make such a Choice of a King as would have prevented the breaking out of the War, (and perhaps a less Sum might have done, than the Expence we have already been at on Account of the War) there might have been some Reason for our being at such an Expence; but I can see no Reason for, or any additional Advantage we can expect from, the Expence we are to be at on Account of this Treaty with *Denmark*.

I shall readily agree with the honourable and learned Gentleman, that Nations are entirely governed by their own Interest: Nay further, I shall admit that even private Men are very much governed by what they think their own Interest; but as it is the Interest of *Denmark*, as much as it is the Interest of this Nation,

to preserve the Balance of Power in *Europe*, therefore I must think it was quite unnecessary for us to give them a Fee for doing so : I shall indeed grant, that they were in the Right to take it, since we were so generous as to offer it ; for, I believe, few private Men will refuse to take a Fee, for doing that which it is both their Duty and their Interest to do without any Reward. All I shall, or indeed can reasonably wish for in such a Case is, that no Prince or private Man would allow himself to be engaged by any Reward or Promise, to do that which is contrary to his Duty, and really, if he considers it right, inconsistent with his own Interest. And as I have a great Opinion of the Honour and the Penetration both of the King and the Ministers of *Denmark*, I must conclude, they would never have enter'd into any Engagements that were inconsistent with the Liberties of *Europe*, I must conclude they will always be ready, without any Fee or Reward, to join with all their Force in the Preservation of the Balance of Power, whenever it shall appear to be in any real Danger, consequently I must conclude, that it was altogether unnecessary for us to enter into any such Treaty as that now before us, or to promise any such Subsidy as is by that Treaty stipulated ; and therefore, as one of the Representatives of the People, as one of those to whom they have intrusted the Management and the laying out of their Money in the most frugal Manner, I cannot agree to put them to such an unnecessary Expence as what is now proposed.

It was reply'd in Substance as follows, *viz.*

S I R,

I Shall readily agree with the honourable Gentleman, that it will be quite unnecessary for us to engage in the War, till one of the Parties now engaged begins to push their Conquests so far as to bring the Balance of Power into Danger ; but I cannot admit that till that Event happens it will be quite unnecessary to put ourselves to any Expence : On the contrary it would, in my Opinion, be very imprudent in us, not to prepare for such an Event, when every one must see that it may probably happen ; and we can make no Preparations without putting ourselves to some Expence. If we should be altogether unprepared when that Event happens, the prevailing Power might push their Conquests

to far, before we could make sufficient Preparations for putting a Stop to them, that it might be out of our Power, with the greatest Preparations we could make, to prescribe Bounds to their future Designs, or to oblige them to restore any of their Conquests: Whereas by providing in Time, we shall not only be able to say to them whenever we have a Mind, Hitherto we have allowed you to come, you shall go no further; but we may very probably prevent any such Event's ever happening; because the Successful being sensible of our Readiness to give them a Check, they will of Course limit their Views, and not push their Conquests so far as to bring the Balance of Power into any Danger.

The only two Ways of providing, either for our own Defence, or for the Preservation of the Balance of Power, in Case it should be brought into Danger, is by encreasing our Forces by Sea and Land at home, or by concluding Treaties and forming Alliances with neighbouring States; and this last is the most necessary, and ought to be first undertaken; because without previous Alliances, we cannot have the Assistance of our Neighbours as soon as we stand in Need of them; and if we do not take Care in Time to engage them in our Interest, they may happen to be prevailed on to engage with our Enemies, or with those who may soon after come to be our Enemies. This is our very Case at present, and was more particularly our Case with Respect to Denmark; for however much it may be in their Interest, to join with all their Force in preserving a Balance of Power in Europe, yet if we had not concluded this Treaty with them, it was very probable they would soon have been drawn into Engagements which might soon have come to have been inconsistent with the Liberties of Europe; and if they had been once drawn into such Engagements, it would not have been so easy a Matter to get them disengaged, and much less to prevail with them to act contrary to those Engagements.

'Tis true, Sir, all the Princes and States of Europe are as much interested in the Preservation of the Balance of Power as we are; but if some of the Princes of Europe, from private Views of their own, should be drawn in to assist in overturning that Balance, or if some of them from Fear, or from other Motives, should resolve upon a Neutrality, or should continue inactive and indolent when the Liberties of Europe are in the utmost Danger, are we to do the same? Or if by laying out a
little

little Money, we could prevent their entering into any such Engagements; if by granting them a few small Subsidies we could rouse them from their Indolence, and render them active and resolute in the Preservation of our common Liberties, would it be prudent in us to act a penurious Part upon such an Occasion; and by refusing to give a Part of what we have, expose ourselves and all we are worth in the World to inevitable Ruin? Such an unseasonable Parsimony I hope no Gentleman will contend for, and therefore it must be granted, that when the Liberties of *Europe* are in Danger, or are like to be in Danger, we must endeavour to unite the Princes and States of *Europe* in their common Defence; and if this Union cannot be effectuated, without our giving some Bribes or Pensions, it must be done; for of two Evils the least is always to be chosen. The Expence we are to be at by the Treaty now before us is, 'tis true an Evil, but every Man must grant, that it would have been a much greater Evil to have had *Denmark* engaged against us, in Case we should hereafter find it necessary to take a Share in the War: This I am so fully convinced of, that I believe, if the Case should have happened, the neglecting of *Denmark* upon such an Occasion, the not making such a Treaty as that now before us, would have been highly exclaimed against, and would have been called an unpardonable Blunder. For this Reason I cannot but approve of the Treaty, and therefore I cannot but agree to the Motion.

To this it was added by the M——r of the R——lls and J——n H——we, Esq; who were for agreeing to the Motion, That they approved of the Treaty as little as any Gentleman did: That tho' they thought it was altogether unnecessary to put the Nation to such an Expence 'till the Danger became more apparent; yet as it was the first Treaty his Majesty had concluded upon the present Emergency, they would agree to the Motion; because if that House should disagree with what his Majesty had done with Respect to that Treaty, it might be, at such a Conjunction, of the most dangerous Consequence to the Liberties of *Europe*, by encouraging the ambitious Views which some of the Parties engaged in War may now have, or hereafter form to themselves, and by discouraging any of the Princes or States of *Europe* from entering into, or concluding any Treaties with his Majesty, even tho' the Circumstances of *Europe* should

should then absolutely require such Treaties to be concluded.

The Question being at last put for agreeing with the Motion, it was upon a Division carried in the Affirmative, by 270 to 178.

The chief Speakers in Favour of this Motion were, Sir R——t W——le, Sir W——m Y——ge, H——o W——le, Esq; T——s W——n, Esq; C——l B——n, and Mr. A——y G——l, &c. and the chief Speakers against it were, Sir W——m W——m, W——m P——y, Esq; Sir J——n B——d, S——l S——ys, Esq; W——m S——n, Esq; and Sir J——n H——d C——n, &c.

On Friday the 7th Day of March T——s B——n, Esq; moved the H——se of C——ns as follows, viz. That the Clause of an Act made the second Year of his present Majesty's Reign, entitled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament*, which relates to the last Determination in the House of Commons, concerning Votes for Members to serve in Parliament for any County, Shire, City, Borough, Cinque-port, or Place; with the Clause relating to the Oath to be taken by returning Officers, should be read. And the same having been read accordingly, he then moved as follows, viz. That the Council at the Bar of this House, or before the Committee of Privileges and Elections, be restrained from offering Evidence, touching the Right of Election of Members to serve in Parliament for any City, Borough, or Place, contrary to the last Determination in the House of Commons; which Determination, by an Act passed in the second Year of his present Majesty's Reign, entitled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament*, is made final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

This Motion occasioned some Debate, of which I shall give the Substance as follows, viz.

S I R,

BY the Clause of the Act now read to you, it appears, that the last Determination of the House of Commons, with Regard to the Right of voting at any Election, is declared to be final to all Intents and Purposes

poses whatsoever, any Usage to the contrary notwithstanding; so that in all future Disputes about any Election for the same Place, the last Determination of the House of Commons is the Rule by which the Right of voting is to be determined, and against which no Arguments, nor any Proof can be admitted: This I take to be now the Law of the Land, and consequently is binding as well upon this House, as upon every Gentleman who has been since that Act, or may hereafter be concerned in any Election.

At all Times, Sir, and particularly in such a dangerous Conjunction as the present, it is incumbent upon us to establish as generally as possible among the People, a good Opinion of the Impartiality, Integrity, and Justice of this House in all our Resolutions, and in all our Proceedings. With Respect to State Affairs, especially such as relate to foreign Transactions, the Facts are not publickly known, nor can the Motives or Arguments for or against any Question relating to them be understood by the Vulgar, and therefore in such Questions it is not easy for the People in general to comprehend the Debates; nor would it be possible for them to discover the Injustice or the Partiality of our Proceedings, were it possible for this House to be guilty of any such; but in all our Proceedings relating to Elections, the People in general, or at least those who live in the Neighbourhood of the Place, where any Dispute happens about an Election, know every Circumstance, and are as capable to judge of the Motives or Arguments for or against most of the Questions that occur upon such Occasions, as any Member of this House; and when the People observe a Variety and Contradiction in our Determinations relating to such Affairs; when they observe the Right of voting at an Election given by this House to one Sort of People, and in the very next Session perhaps, that Right determined by this House to be in a quite different Sort of People, they must conclude, that the Determinations of this House in Relation to that Affair did not proceed from Justice and Impartiality, but from private Interest, or from Party-zeal. This is the Conclusion they must necessarily form with Respect to those Affairs they know, and can judge of; and the Misfortune is, that they from thence naturally conclude, that our Proceedings are governed by the same Motives in those Affairs which they do not know nor can judge of.

To

To prevent an Effect so dangerous to our Constitution was, I believe, Sir, one of the chief Motives for inserting the Clause now read to you in that Act of Parliament, and Care has been taken to express it in Terms so strong and explicit, that it cannot, in my Opinion, be evaded by any Artifice or Subterfuge. It is now the Law of the Land; a Law so reasonable, that I hope it will never be altered or repealed; and a Law so plain, that I can make no Doubt, but that the last Determination of the House of Commons will, for the future, be, in all such Cases, an infallible Rule, a Rule from which we cannot depart. However, Sir, as some Gentlemen are not sufficiently apprised of this Law, or may entertain Hopes that this House will not, in their future Determinations, strictly adhere to it, they may therefore put themselves to great Expence in bringing up Witnesses, and may take up a great deal of your Time with Arguments, to shew that the Right of voting at any Election now disputed, is not in those People, or in those People only, in whom it was declared to be by the last Determination of this House; which will be a putting themselves to great Expence, and taking up the Time of this House to no Purpose; since the last Determination of the House of Commons is now by Law established as a Rule from which we cannot depart, notwithstanding the clearest Proof of any Usage to the contrary.

As we ought, Sir, to prevent Gentlemen's putting themselves to any needless Expence, as we ought to prevent their attempting to take up the Time of this House to no Purpose, therefore I think this Law ought to be some Way revived, not only to put Gentlemen in Mind of it, but to shew them that we are resolved to adhere to it in the strictest Manner; and as the only proper Way for us to revive any Law, is by coming to some new Resolution in Relation to it, therefore I hope the House will agree to the Motion I am to make, which is, That it may be ordered, that the Counsel at the Bar, &c. (as above.)

To this it was answered thus;

S I R,

I MUST own, I have lately considered the Clause now read to you, and therefore am not now prepared to speak to it, or to give my Opinion for or against the Motion which the Hon. Gentleman has been pleased to make; but upon the first View, I take the Motion to be

of the utmost Consequence, because I look upon it as an Attack, or rather a Restraint, designed to be put upon the Power and Jurisdiction of this House in the most material Point, which is that of determining finally all Questions relating to electing the Members of our own House. I really never imagined, nor could indeed have believed, that the Intention of that Act, or of any Clause in it, was to limit or restrain the House of Commons, with Respect to their Determinations in Matters of Election; for in all such Determinations I think we ought not to be under any Limitation, nor confined by any Rule; and if there had been any such Intention, I believe this House would never have agreed to the Bill, or at least to that Clause by which any such Restraint was intended to be laid upon the House.

It is for this Reason, Sir, that I have always imagined, and still think, that the Clause now read to you relates only to Sheriffs, and other Returning Officers, and was designed as a Direction to them, what Sort of Persons they were to admit to vote or poll at any Election, with Respect to which they were by this Clause obliged to take the last Determination of the House of Commons, as a Rule to be inviolably observed by them at all succeeding Elections. This, Sir, I must still think, according to the View I have of it at present, is all that is designed by the Clause; for it is certain, that if in all future disputed Elections, we were to take the last Determination of this House as an infallible Rule for our Conduct, a very great Injury would thereby be done to a great many Cities and Boroughs in *England*; and I cannot imagine that it was ever the original Intention of any Act of Parliament to do an Injury to any one, much less to great Numbers of his Majesty's Subjects.

However, Sir, as I have not lately read or considered the Act, I will not now pretend to be positive in my Opinion, and therefore I hope the Hon. Gentlemen will agree to put off the Consideration of this Motion to some short Day, to *Monday* next if they please, that other Gentlemen as well as myself may have Time to consider it, before we are obliged to give our Opinion in a Case which is certainly of very great Consequence.

It was replied as follows :

S I R,

AS I had the Honour to be a Member of this House when that Act had the good Fortune to pass, I well remember the History of this very Clause. This Clause was not originally in the Bill, but was put into the Bill by the other House, and was put in, I believe, with a View to prevent the Passing of the Bill; or at least that this was the Intention of those who first contrived and inserted this Clause: For they imagined that this House would never agree to such an Amendment; but when the Bill came back to this House, the Gentlemen who promoted the Bill were so justly fond of it, that they chose to agree to all the Amendments made by the other House, and this among the rest, rather than lose so good a Bill. Indeed as to this Clause they had another, and a very good Reason for agreeing to it; for tho' it did lay some Restraint upon the Jurisdiction of this House in Matters of Election, yet the Majority of the House then thought it a reasonable Restraint, and even a necessary Restraint, in order to prevent, in Time to come, that Variety and frequent Contradiction in our Determinations with Respect to Elections, which had in Time past greatly contributed to the giving the Generality of the People a contemptible Opinion of all the Proceedings of this House.

The Clause now read to you, Sir, is so full, and conceived in Terms so plain and easy to be understood, that I am surpris'd to hear any Gentleman desire one Hour to consider it, before he agrees to the Motion now made to you; but I am still more surpris'd to hear any Gentleman, especially a Gentleman who has often attended the Committee of Elections, say, he imagined this Clause was intended only as a Direction to the Sheriffs and other Returning Officers, with Respect to what Sort of People they were to admit to vote or poll at any Election. This, Sir, I am surpris'd to hear said by any Gentleman who has ever attended the Committee of Elections; because this very Direction was given by Act of Parliament many Years ago to all Sheriffs and Returning Officers: So long ago as since, I believe, the 8th Year of King *William's* Reign, all Sheriffs and Returning Officers have been prohibited, by an Act then made, to return any Member to serve in Parliament, contrary to the last Determination in the House of Commons, as to the

the Right of Election for such Place; and therefore it would have been quite unnecessary, it would have been ridiculous to have inserted in a late Act such a Clause as that now before us, if no more had been intended by it, than to give the same Directions to Sheriffs and other Returning Officers, which were given to them by a former Act then in full Force: But, without any such Consideration, the Clause before us is in itself so clearly expressed, that it is impossible to mistake its Meaning; and as the Hon. Gentleman intends nothing by his Motion, but to prevent Gentlemen's putting themselves to needless Expence, and giving this House an unnecessary Trouble, I can see no Reason why we should make any Difficulty in agreeing to what he has proposed.

Can Gentlemen be serious, Sir, when they say that this House ought not to be confined by any Rules, that we ought not to be under any Limitation or Restraint, with Respect to our Determinations about the Election of our own Members, and that this House would never have agreed to the Clause, if any such Thing had been intended. Our Determinations in such Cases are, 'tis true, supreme and final; but surely, Sir, even in such Cases we are limited and confined by the Rules of natural Justice and Equity, and likewise by the ancient Customs and the Laws of the Kingdom. Let a Court of Judicature be as absolute and supreme as can be imagined, yet I should have a very bad Opinion of the Judges of that Court, if they confined themselves to no Rules, nor even to those Laws they themselves had before made for their future Conduct. I do not know but some of the Cities and Boroughs of *England* may have been injured by the last Determination of this House, and if there were any such, we must grant, it was a Hardship upon them, to make that injurious Determination absolute and final as to them in all Time to come; but if there were any such injurious Determinations made by this House, it was necessary by a Law to put a Stop to them, and the more there were of them, the more necessary it was to make such a Law, in order to prevent any such in Time to come. The Hardship is already put upon them; the Law is already passed; it is now one of the established Laws of the Kingdom, and cannot therefore be altered or amended by any Resolution or Determination of this House: It is not the first Time that a Hardship has been put upon particular Men for the Good of the Society in general; but in this Case, if

any City or Borough has been injured by the last Determination of the House of Commons, and that Injury fix'd upon them by the Law now under our Consideration, they may apply to Parliament for Relief, and will certainly obtain an Act of Parliament for that Purpose which is the only Method by which they can now be relieved; so that the Hardship that has been put upon them can be of no Weight, it cannot indeed so much as come under our Consideration in the present Question.

However, Sir, tho' I do not think it at all necessary to take a Day to consider of the present Motion, yet I shall not be against it; because I wish it were made a standing Order of this House, that no Motion should be taken into Consideration or agreed to the same Day it is made. For this Reason I shall not be against adjourning the Debate 'till Monday, according to the Hon. Gentlemen's Desire, and I agree to it the rather, because I hope, when the Motion has been fully and maturely considered, it will be unanimously agreed to: But, on other Occasions, I hope those Gentlemen will shew the same Complaisance to others, and will not insist, that any Motion they may hereafter think fit to make, shall be immediately taken into Consideration; for if this should be made a Rule for one Side, and not for the other, it would be as partial a Method of proceeding as was ever practised by former Parliaments in their Determinations about Elections.

Accordingly it was ordered, that the further Consideration of that Question should be adjourn'd to Monday Morning next, when the Motion was amended thus: That the Counsel at the Bar of this House, or before the Committee of Privileges and Elections, be restrained from offering Evidence, touching the Legality of Votes for Members to serve in Parliament, for any County, Shire, City, Borough, Cinque-port or Place, contrary to the last Determination in the House of Commons: Which Determination, by an Act passed in the second Year of his present Majesty's Reign, entitled, *An Act for the more effectual preventing Bribery and Corruption, in the Election of Members to serve in Parliament*, is made final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding. And then it was agreed to without any further Debate.

The Principal Speakers upon this Occasion were, For the Motion, T——s B——n, Esq; S——l S——ys, Esq; W——r

W——r Pl——r, Esq; and the M——r of the R——ls.
 For delaying the Motion, H——ce W——le, Esq;
 H——y P——m, Esq; and Sir W——m Y——ge.

On Thursday the 6th of *March*, a Motion was made in the H——se of L——ds, ‘ That an humble Address should be presented to his Majesty, that he would be graciously pleased to give Direction, that the several Instructions to Mr. *Woodward*, his Majesty’s Minister in *Poland*, in the Year 1729, should be laid before the House.

This Motion occasioned a long Debate ; but as we have lately given the Debate upon the same Motion, made the preceding Session in the H——se of C——ns, we shall abridge our Account of this as much as possible.

The Argument for it was to this Effect :

My Lords,

AS we are many of us by Birth, and all of us, by those Honours which our Kings have conferred upon us or our Ancestors, not only entitled, but obliged to give his Majesty our best and most sincere Advice in all arduous Affairs, one of the chief Ends of our meeting in this House, is to consider the State of the Nation, both with Respect to foreign and domestick Affairs, in Order to give our King, upon every considerable Emergency, that Counsel which we think may tend most to his Glory, and the Interest of the Nation ; for which End it is necessary for us to have all those Treaties, Negotiations, and other Papers laid before us, which may be necessary for our Information in any Affair, in which it may be incumbent on us to give our Advice ; and for this Reason it has always been the Custom and the Right of this House, to call for all such Papers, and to consider them deliberately, before we ever offered to give our Advice to the Crown.

I believe it will be granted, that with Respect to our foreign Affairs, there never was a more critical Conjunction than the present ; there never was a Conjunction when it was more necessary for us to consider the State we are in, or more incumbent upon us to offer our best and our sincerest Advice to our Sovereign, nor was there ever a Conjunction when the King could stand more in Need of honest and upright Counsel : The Eyes of all

Europe

Europe are now fix'd upon the Behaviour of *Great Britain*, and by our Behaviour in the present Conjunction, both the Honour and Interest of the Nation, nay even the Liberties of *Europe*, may be either sacrificed or preserved. In such a Conjunction, can we perform our Duty to our Country or our King, can we answer one of the chief Ends of our meeting in this House, without examining into the State of our foreign Affairs, and offering our most deliberate Advice to our Sovereign: Upon such an Occasion, we are not to wait till his Majesty shall be prompted by those about him to ask our Advice; because, if by them he has been misled in any former Steps, we may depend on it, they will endeavour as much as they can, to divert his Majesty from applying to Parliament for Counsel, when they are certain, that by such an Application their Conduct would come to be examined into, and highly censur'd: No, my Lords, this House is his Majesty's highest and most natural Council; we are in Duty bound to give him our Advice upon every important Emergency; and upon an Emergency of such Importance as the present, his Majesty's having made no Application to this House for Advice, is, with me, a strong Argument that he has been misled in some late Measures by those about him, and that by them he is diverted from applying where he is always sure to meet with honest and upright Counsel; and therefore I must think we have the greater Reason to enquire into the present State of our Affairs, and offer that Advice which shall appear the most consonant to our present Circumstances.

This Consideration, my Lords, makes it the more necessary for us speedily to offer his Majesty our Advice upon the present Posture of Affairs in *Europe*; and as in this we cannot pretend to give any Advice, without being fully informed as to the Sources and Causes of the present War, it is therefore absolutely necessary to have laid before us all the Papers relating to our late foreign Transactions. Among the many foreign Transactions we have been lately engaged in, those relating to *Poland* are at present the most necessary for us to enquire into, because the late Transactions in that Kingdom are said to have been the sole Cause of the present War; therefore it is impossible for us to give any Advice about the present Posture of Affairs in *Europe*, without examining whether we had any and what Share in those Transactions; and as in the Year 1729, the late King
of

of Poland was dangerously ill of the Distemper of which he afterwards dy'd ; as every one even then judged his Life could not be of any long Continuance ; and as every one likewise judged, that his Death might very probably produce a Combustion in Europe, it is very reasonable to suppose, that Measures for the Election of a future King were then begun to be concerted ; therefore I think we ought to know whether we had any Share in those Measures, before we offer any Advice to his Majesty upon the present Posture of Affairs ; for which Reason I shall beg Leave to make as modest a Demand as can well be made in the present Conjuncture, which is, That an humble Address, &c. (as before-mentioned.)

To this it was answer'd in Substance as follows :

My Lords,

I Shall agree with the noble Lord, that this House has a Right to call for any Papers that may be necessary for our Information, with Respect to any Affair we are or ought to enquire into ; but to the Honour of this House, I must add, that That Right has been always hitherto used with great Prudence and Caution : We have never yet called for any Papers by which the Secrets of the Government might be any Way divulged, or the Affairs of the Nation brought into any Distress.

Upon the present Occasion, my Lords, if his Majesty had found it necessary to apply to this House for Advice, he would certainly have done so ; and he has too much Penetration to allow himself to be diverted by those about him, from doing what may be necessary upon any Emergency, either for his own Glory or the Interest of his People : But from what his Majesty has told us from the Throne, we may easily see the Reason why he has not as yet made any such Application : His Majesty has told us, that he was no Way engaged in any of those Measures which gave Occasion to the present War, and consequently he can have no Manner of Concern in it, unless some of the Parties engaged should begin to push their Conquests, or their Views, further than is consistent with the Preservation of the Balance of Power in Europe : Whenever this happens, it will become necessary for this Nation to interfere ; and in any such Event, we need not doubt but his Majesty will take all proper Methods to have the best Advice ; but as any such Event must necessarily involve this Nation

tion in great Danger and great Expence, therefore his Majesty is now pursuing that which will redound most to his own Glory, and to the Safety and Advantage of the Nation, he is endeavouring to put an End to the War, by a solid and lasting Peace; and as he is now acting the Part of a Mediator between the two contending Parties, as he has already offered to them a Plan of an Accommodation, it is necessary for him to keep in as good Terms as possible with all the Parties engaged, till he shall see what may be the Event of that Plan.

Though I do not know, my Lords, nor do believe that any of the Powers now engaged in War, can have just Reason to be displeased with the Part this Nation acted, with Respect to the Affairs in *Poland* in the Year 1729; yet if all the Instructions and Letters sent to our Minister in *Poland* at that Time, and all his Letters from thence should be made publick, I do not know but some one or other of the Powers now engaged in War may find Fault with some of them, which would of Course very much embarrass his Majesty's Negotiations, for restoring the Peace of *Europe*, and thereby preventing this Nation's being involved in a dangerous and expensive War, if not render them altogether ineffectual. I hope the Instructions and the Letters now moved for, were as wisely drawn up, and as cautiously worded as it was at that Time possible; but it was impossible to foresee all the various Events which have since happen'd; and had these Instructions been drawn up by the wisest Ministers that ever were in this Nation, or in any Nation, it is not to be supposed but that there may be some Expressions in them which may disoblige some of the contending Powers, or may at least render some of them jealous and suspicious of his Majesty's Impartiality at present, which of Consequence may very probably disappoint those Measures his Majesty has now concerted for restoring the Tranquility, and preserving the Balance of Power in *Europe*.

With Regard, my Lords, to the Transactions in *Poland* in the Year 1729, we must suppose that our Minister had Instructions to favour the Party of *Stanislaus*, or the Party of the then Electoral Prince of *Saxony*, or that his Instructions were to favour neither of the Parties that then began to appear in *Poland*; but to watch the Motions and Measures of each of them, without declaring on one Side or the other. If his Instructions were to favour the Party of King *Stanislaus*, the publishing

lishing of them would certainly disoblige all those who are now engaged to support the present Elector of *Saxony*; and if his Instructions were to favour the then Electoral Prince, now Elector of *Saxony*, the publishing of them would, in the present Conjunction, as certainly disoblige all those who are now engaged to support the Election of *Stanislaus*: In either of which Cases, a Jealousy would be raised against his Majesty, which would probably disappoint the Plan lately concerted for an Accommodation.

But, my Lords, suppose that the Instructions given to our Minister then in *Poland* were, to act an exact neutral Part; yet we cannot well suppose them so cautiously penn'd, but that one Side or other may take Exceptions to them, which would diminish in some one or other of the Parties now engaged in War, that Confidence which they at present repose in his Majesty, and which it is necessary to keep up, in order to render his Majesty's Mediation successful: And if we could suppose them so cautiously penn'd, as not to give the least Offence; upon such a Supposition it must be granted, that we can expect no Information from them in Relation to the present War: We cannot from thence discover what were the Springs and the Causes of the War, which may be very different from those publicly assign'd; and if the whole Truth were known, I am apt to believe it would appear, that the late Transactions in *Poland*, were none of the Causes of the present War, or at least that they contributed but a very little towards it, by being a Sort of Cloak for covering those Designs which were the real Motives of the War. Thus, my Lords, the making publick those Instructions and Papers which are now called for, must be of great Prejudice to his Majesty's Affairs, in every supposable Case but one, and in that one Case they can be of no Service, nor afford any Lights to this House, with Respect to what your Lordships desire to be inform'd about; for this Reason I think it is not only quite unnecessary, but very improper to present to his Majesty any such Address as has been proposed; because tho' the particular Transactions then carry'd on in *Poland*, are now at an End, yet the Consequences of them are so far from being at an End, that they are now pretended to have been the Cause and the chief Motive for entering into the present War against the Emperor; and therefore I shall be against calling for or publishing any Papers, which may in the

F f

least

least relate to those Transactions and Negotiations now upon the Anvil in *Europe*.

To this it was reply'd to the following Effect.

My Lords,

THERE is no Lord in this House, nor any Man in the Kingdom, who has a greater Regard for his Majesty, or a better Opinion of his Majesty's Wisdom and Penetration than I have ; but my Duty to his Majesty, as a Member of this House, obliges me to offer my best and most sincere Advice in every Affair which I look upon as an Affair of Importance ; and my Duty to my King, as well as my own Honour, forbids me to offer my Advice in any Affair till I have that Information which I think necessary for that Purpose. It has been so often said in this House that I am ashamed to repeat it, but upon this Occasion I must again take Notice, that Speeches from the Throne are, in this House, always consider'd as Speeches from the Ministers for the Time being, and therefore we are never to be confined or restrained in our Debates, by any Thing that has been said to us from the Throne : Whether we have any Concern in the present War, or whether we were any Way engaged in those Measures which gave Occasion to the present War, is for this Reason a Question, that no Lord, as a Member of this House, can be as yet satisfy'd about, because we have as yet made no Enquiry into it, nor can make an Enquiry till a great many Papers, particularly those now called for, are laid before us.

As for the Plan for an Accommodation, which it is said has been offered to the Parties now engaged in War, I must declare, my Lords, I know nothing about it ; and every one of your Lordships, when you speak as Members of this House, must declare the same, because it has never yet been communicated to the House ; and therefore I cannot say any Thing about it, nor can I know what may be prejudicial or advantageous to it. I do not know, my Lords, what Sort of Plan it is ; but if it be such a Plan, or any Thing like the Plan that has been published in the *Dutch Gazettes*, we have no great Reason for being fearful of doing any Thing that may prevent its being effectual ; for I am convinced it will never produce an Accommodation, it can never have any Effect, unless it be to engage this Nation in the War, whether it be our Interest or Inclination so to do or not.

It is impossible, my Lords, that any War can break out in *Europe*, in which this Nation has no Concern : If we have no particular Obligation upon us, if we have no particular Interest to engage us to take a Share in the War, yet we ought to take every such Opportunity to settle the Disputes we may have with either of the Parties, or to obtain Advantages in our Trade from every one, or at least from some of the Parties engaged in War ; and it would be a very high Misdemeanour in those who are, or at any such Time may be, at the Head of our Affairs, to neglect or let slip any such Opportunity. The Balance of Power, my Lords, is what we ought always to have an Eye to ; but I cannot think it is at present, or is like to be in any great Danger, and the Advantage of our Situation is such, that we may always be, and therefore we ought always to be among the last Princes and States in *Europe*, to give ourselves much Trouble about it, or to engage in its Preservation ; for if we do not give ourselves an unnecessary Trouble about it, the Princes and States upon the Continent will take Care of it amongst themselves ; and if, in any Case of Extremity, we find ourselves at last obliged to engage, we ought to take that Opportunity to settle all Disputes we may have, and to reap all the Advantages in Trade we may expect from any of those in Favour of whom we engage ; and when by our Means, the Balance of Power is to be re-established, and Peace to be restored, we have then an Opportunity of settling all former Disputes with the Parties against whom we engage, and of obtaining new Advantages from them. This, my Lords, ought to be the fundamental Maxim of all our Negotiations and Engagements ; but I am afraid we have for some Years had our Heads so full of the Balance of Power being in Danger, and have been so ready upon all Occasions to frighten ourselves with that Phantom, that we have not only neglected, but have upon all Occasions sacrificed the particular Interest of this Country, to our imaginary Apprehensions about the general Interest of *Europe*. There was never a better Opportunity than the present, for settling all the Disputes this Nation may have with either of the Parties engaged in War, there was never a better Opportunity for this Nation's acquiring new Advantages in Trade from every one of them, and I hope it will not be neglected ; for I shall have a poor Opinion of our Negotiators,

F f 2

tors, if a Peace be restored without obtaining some considerable Advantages for this Nation.

With Regard to the Instructions sent to our Minister in *Poland* in the Year 1729, I shall not pretend so much as to guess at what they were ; but it was certainly the Interest of this Nation not to intermeddle either in Favour of the Party for *Stanislaus*, or in Favour of the Party for the Electoral Prince of *Saxony* : It was our Business, and would have been our Glory, to protect that Republick in her Freedom of Choice ; and the proper Instructions to be sent to our Minister on that Occasion, were only to endeavour to sound the Views and Inclinations of the leading Men of that Nation, in order to take our Measures accordingly, when the Throne should become vacant by the Death of the then King of *Poland*, and that we might in Time prepare to make the best of what was most likely to be the Consequence of that important Event. If these were the Instructions sent, no Power in *Europe* can have any just Ground to complain of our Conduct ; and if any of them should make any unjust and frivolous Complaints, or conceive any groundless Suspicions, they are not to be regarded. But granting that this is the Case, granting that our Conduct at that Time was unexceptionable, is it not highly necessary for us to know this before we offer any Advice to his Majesty ? It is so necessary, that without it we cannot offer any sincere Advice, it would be dishonourable, or at least rash in us to attempt it ; for tho' the Affairs of *Poland* may not be the chief Causes of the War, yet it is certain that, with Respect to *France*, they are the chief Motives pretended ; and for the other Causes of the War, we must search into other late Transactions, in all of which we certainly had a very great Concern, perhaps a greater than this House may think this Nation ought to have had, when we come to examine into these Transactions, and have the proper Papers laid before us for that Purpose.

But, my Lords, if with Respect to the Affairs of *Poland*, we favour'd either of the now contending Parties, it is absolutely necessary for this House to enquire into that End to have the Papers now moved for laid before us ; such an Enquiry will be so far from being attended with any mischievous Consequences, that the Neglect of it may be of the most fatal Consequences both to this Nation and to the Liberties of *Europe* ; for whatever Side we favour'd, it cannot be supposed that any of our Endeavours

deavours are now a Secret to those of the other Side of the Question. If we favoured the Designs of those who were for setting *Stanislaus* upon the Throne, we must have concerted Measures with the Leaders of that Party in *Poland*; and as some of those who were then among the Leaders of that Party in *Poland*, are now in the Interest of the Elector of *Saxony*, can we suppose that any of our Endeavours in Favour of *Stanislaus*, or the Instructions given to our Minister for that Purpose, are now a Secret to the Elector of *Saxony*, or to any of the Powers now engaged to support his Election? So that whatever our Instructions may have been upon that Head, they cannot now be a Secret any where but in this House, where they ought to be known, and ought to be strictly enquired into; for it is impossible to imagine that the Powers of *Europe*, who now support the Elector of *Saxony*, will ever put any Confidence in this Nation, or join cordially with us in any Measure; while those Persons, who formerly advised such Measures, have any Influence in our Councils: Nor can the Nation propose any Terms of Peace, much less engage in a War, for defeating those very Measures which have been concerted in Conjunction with us: We cannot at least propose any such Terms of Peace, or engage in War on such a Footing, till we have made Examples of those who engaged us in such destructive Measures.

On the other Hand, if we suppose that the Instructions sent at that Time to our Minister in *Poland*, were to favour that Party, who were for placing on their Throne the Electoral Prince, now the Elector of *Saxony*, those Instructions must have been communicated to all the chief Officers of State, particularly to those of them who then appeared at the Head of the *Saxon* Party in *Poland*; and as many of them are now in the Interest of *Stanislaus*, can we suppose that those Instructions are now a Secret to any of those Powers who are now engaged to support the Election of that Prince to the Throne of *Poland*; or that they will look upon this Nation as impartial, or with any Confidence accept of our Mediation, as long as those very Persons, who joined in such Measures against them, have any Influence in our Councils? So that if we have a sincere Inclination, which I think we ought to have, to prevent this Nation's being engag'd in the War, we ought to enquire into our Transactions in *Poland*, and for that Reason ought to have the Papers called for laid before us: But moreover, if it should
appear

appear that the Emperor has been attack'd for pursuing those very Measures he had concerted with us, is not this Nation in Honour obliged to defend him against such an Attack? Or at least we ought to punish those who engaged the Faith of this Nation in Measures, which it was not our Interest to pursue.

Thus, my Lords, in every supposable Case, it is the Duty of this House not only to call for those Instructions, but to examine them strictly, before we can pretend to give his Majesty any honest or sincere Advice, in Relation to the present Posture of Affairs in *Europe*. If the Instructions were right, we ought to know it before we can give our Advice; and it is impossible the publishing of them should produce any bad Effect: If they were otherwise, they can produce no worse Effect than they have done already; and it is necessary they should be examined into, and the Persons punished who advised them, before we can suppose that his Majesty's Mediation will have any Effect towards restoring the Peace of *Europe*, or preventing its being necessary for this Nation to engage in the War.

The Question was then put upon the Motion, which upon a Division was carry'd in the Negative, by 71 to 29. The Motion was made by the Earl of *Ch——ld*; and the Speakers in Favour of it were, the said Earl of *Ch——ld*, the Lord *B——st*, the Lord *C——t*, and the Earl of *W——ea*: The Speakers against it were, the Duke of *N——le*, the Earl of *I——a*, and the Lord *H——ck*.

Immediately after this Division, the following Motion was made in the same House, viz. 'That an humble Address be presented to his Majesty, that he would be pleased to give Direction, that the Letters and Instructions sent to his Majesty's Ministers at the Courts of *France* and *Spain*, relating to the Execution of the Treaty of *Seville* should be laid before the House.

As this Motion was likewise made in the other House the preceding Session, and as we gave the Debate upon it in the Journal of that Session, we shall therefore in like Manner abridge this Debate as much as possible.

My Lords,

NOtwithstanding the Fate of the former Motion, I will beg Leave to make another, which I hope will have better Success; but before I make the Motion I intend, I desire his Majesty's Speech to both Houses of Parliament, at the Opening of the Session, in the Year 1730-1, may be read. [The same was read accordingly.] In that Speech you may observe, my Lords, his Majesty inform'd us in general of the Difficulties that were like to attend the Execution of the Treaty of Seville. And then says, *The Plan of Operations for the Execution of the Treaty of Seville by Force, in Case we should be driven to that Necessity, is now under Consideration.* — From these Expressions, and from what fell from a noble Lord in the former Debate, who told us, we were to look for the Springs and Causes of the present War somewhere else than in the Instructions given to our Minister in Poland, I think it absolutely necessary for us to see the Letters and Instructions sent to our Ministers at the Courts of France and Spain, in Relation to the Execution of that Treaty; for in that Treaty, and in the Negotiations that were carry'd on for the Execution of that Treaty, I am, indeed, very much persuaded we are to look for some of the chief Springs and Causes of the present War; at least I am very sure we cannot pretend to give his Majesty any Advice with Respect to the present War, without seeing that Plan of Operations which was concerted for the Execution of that Treaty, and those Negotiations that were carry'd on for concerting that Plan, and for making it effectual after it was concerted; and therefore, my Lords, I shall move, &c. (as above-mention'd.)

To this it was answer'd in Substance as follows:

My Lords,

IMust say, I am a great Deal more surpris'd at this Motion than I was at the former; for as the Affair of Poland is made at least the Pretence of the present War, it might be suspected that the late Transactions in that Kingdom were the chief Causes of the War; but I am sure it is impossible to imagine that any of the Letters or Instructions relating to the Execution of the Treaty of Seville, can have any Concern with the Motives of the present War; because whatever Measures were concerted

for the Execution of that Treaty by Force, it is certain that no such Measures ever took Effect : We all know, that the Treaty of *Seville* was soon after fully executed in an amicable and friendly Manner, by the Conclusion of the Treaty of *Vienna* ; therefore the Treaty of *Vienna* is the only Paper that can properly have any Relation to the Execution of the Treaty of *Seville*, and the only Paper from which we can have any Information in Relation to the Execution of that Treaty.

Therefore, my Lords, as there can be no Relation between the Papers now called for and the Causes of the present War, there can be no Reason for our desiring them to be laid before us on the present Occasion : But farther, my Lords, it would be very improper, and certainly very dangerous, to make those Papers publick at such a Juncture as the present ; because there may be several Things in them, that might break off that good Correspondence which now subsists between his Majesty and all the Powers engaged in the present War, and which it is certainly necessary to keep up 'till the Plan of Peace, concerted by his Majesty and his Allies, shall either be accepted or rejected ; for if it be accepted, and Peace restored upon safe and honourable Terms, this Nation will be freed from the Danger of being involved in a heavy and expensive War, a Danger which we cannot avoid if the Plan be rejected, and the War long continued ; therefore I hope this House will never agree to do any Thing that may give the least Occasion or Pretence for the rejecting of that Plan : And whatever some Lords may be pleased to say of that Plan, I doubt not but it will appear to be a reasonable and a good Plan ; because in the forming of it, the *Dutch* Ministers concurred with ours ; nay, I believe, were the first and principal Persons concerned in the drawing it up : I believe it was originally formed by as wise and as honest a Minister, as ever had the Direction of the Affairs of the States-General, and his Draught was approved of by all those who have any Share in the Administration of their Affairs ; so that whatever may be said or thought of our own Ministers, I hope every Lord in this House will do the *Dutch* Ministers, especially that great Man who has now the chief Direction of their Affairs, the Justice to think, that they would neither have drawn up nor approved a ridiculous Plan, or a Plan which they thought would not be effectual ; and I believe I may say, that if that Plan, or something very like it, be not effectual, it will from
thence

thence appear, that some of the Parties now engaged in War, have Views which they have not yet thought fit to own, and that both the *Dutch* and we will think it necessary to join in the War, in Order to prevent the Accomplishment of such dangerous Designs. The discovering of those Views, if there be any such, is certainly one of the chief Things intended by that Plan; the sooner they are discover'd, the more easy it will be to defeat them; and I hope your Lordships will do nothing that may defeat the Design of the Plan, which your agreeing to the present Motion would very probably do; because it might furnish a Pretence to some of the Parties engaged in War to reject the Plan, without being obliged to discover their real Designs.

But in short, my Lords, every Argument that was offer'd against the former Motion, is certainly equally strong against this; and as your Lordships have thought fit to disagree with the former Motion, I make no Doubt of your disagreeing likewise with this.

To this it was replied:

My Lords,

WHATEVER may be my own private Opinion, I have so great a Deference for the Opinion of this House, that if there were no Difference between this and the former Motion, I should not have stood up to have said any Thing in its Favour; but I hope when your Lordships consider it you will see, that there is a very great Difference between the Papers now called for and the Papers called for by the former Motion; for tho' the Transactions to which the former Motion related happened several Years ago, yet it cannot be said that the Affair is quite at an End, because the Dispute about the Election of a King of *Poland* is still subsisting; and for that Reason many of your Lordships might think it improper to have any Papers published, which any Way related to that Dispute; but in the Case now before us there is no Foundation for such an Argument, the Affair relating to the Execution of the Treaty of *Seville* is now quite at an End, the Treaty has been fully executed in all its Parts, except so far as relates particularly to this Nation, I mean, my Lords, with Respect to the Depredations committed upon our Merchants by the *Spaniards*; and as Satisfaction was due to us by the Law of Nations, I hope we have made no Promises nor used Arguments that can possibly disoblige

G g

any

any Power in *Europe*, nor particularly concerned in that Affair: Indeed if the Doctrine of Consequences takes Place, if we must never call for Papers relating to any Transaction as long as its Consequences are upon the Anvil, I doubt much if this House can ever call for Papers relating to any Transaction that has happened for at least a Century past; for every Transaction must be the Consequence of some former, perhaps a great many former Transactions, so that we could never call for the Papers relating to any Transaction as long as the Persons concerned in it were alive, which would indeed be an excellent and a safe Doctrine for Ministers; but for that very Reason I hope it will never be received within these Walls.

I shall readily admit, my Lords, that the Consequences of the Treaty of *Seville* are now upon the Anvil: I shall readily admit that the present War is a most natural Consequence of the Treaty of *Seville*, and of the Negotiations that were afterwards entered into for executing that Treaty by Force; and I am so far from thinking that those Negotiations, or the Papers relating to them, can have no Relation to the Causes or Motives of the present War, that I am convinced the War is chiefly owing to that Treaty, and the Measures that were concerted for its Execution. By that Treaty the ancient Union and intimate Correspondence between *France* and *Spain* were restored; and by the Introduction of *Spanish* Troops into *Italy*, we not only opened a Way for the *Spaniards*, by that very Step we lost the King of *Sardinia*, by which we opened a Way likewise for the *French* into the same Country, and thereby united those three Powers in that close Confederacy which occasions the present Disturbance in *Europe*.

But, my Lords, though the present War be a most natural Consequence of the Treaty of *Seville*, and the future Negotiations for the Execution of that Treaty, I am so far from thinking this is a good Reason for our not calling for any Papers relating to the Execution of that Treaty, that I think it is a most convincing Argument for our enquiring strictly into all those Transactions; and there is no Danger to be apprehended from publishing any Paper relating to them: There can be nothing in any of those Papers that can possibly disoblige either of the three Powers now united against the Emperor, more than we have already done by the Treaty of *Vienna*; and if there be any Thing in either of those
Papers

Papers which might at that Time have been disobliging to the Emperor, we have since sufficiently attoned for it by the unlimited Guaranty of the Pragmatick Sanction, which the Honour of this Nation now stands charged with by the Treaty of *Vienna*; so that it is not possible to conceive how there can be any Thing in the Papers now called for, that may tend towards defeating the Plan which has been concerted for restoring the Peace of *Europe*, and which the noble Duke says will appear to be a wise and a good Plan.

As I know nothing, my Lords, about this Plan, I shall not pretend to say what it will appear to be; but if it should appear to be a wise and good Plan, I am sorry to find that the *Dutch* only are to have the Honour of it; for as we have been at all the Expence, both in concerting it, and in endeavouring by our Preparations to make it effectual, it was, I think, but reasonable that we should have had a Share of the Honour. However, let the Plan be what it will, it can receive no Prejudice from any of the Papers now moved for; it is impossible that either of the Parties engaged in War, can from thence find any Colour of Reason for rejecting the Plan; and if from frivolous Pretences they reject it, their real Designs will appear as evident as if they had rejected it without giving any such Reason: But, my Lords, whatever may become of the Plan, the present Posture of Affairs is of so great Importance, that we cannot, in Honour, neglect giving his Majesty our Advice; and it is impossible for this House to give him any Advice, without seeing the Papers and Instructions now moved for. Indeed, if the Plan should be rejected, we must then see a great many other Papers, before we can pretend to be so thoroughly acquainted with the Circumstances of Affairs, as to be able to give any reasonable Advice, with Respect to those Measures which his Majesty ought in that Case to pursue.

The Question being then put, it was, upon a Division, carry'd in the Negative, by 72 to 29.

This Motion was made by the Lord B———*st*, and supported by the Earl of C———*ld* and the Lord C———*t*. The Speakers against it were the Lord H——*y* and the Duke of N———*le*.

As soon as this Division was over, the Lord C———*t* stood up and made the following Motion, *viz.* 'That an humble Address be presented to his Majesty, that he

would be pleased to give Directions to the proper Officer or Officers, to lay before this House the several
 ‘ Allotments of Quarters which had been made for his Majesty’s Land-Forces in *Great Britain*, since the 25th
 ‘ Day of March last.’ Which Motion was agreed to, without any Debate or Division.

On the 7th Day of March, the House of Commons resolved itself into a Committee of the whole House, to consider further of Ways and Means for raising the Supply granted to his Majesty, and came to several Resolutions, which were next Day reported to the House, and are as follow :

That towards raising the Supply granted to his Majesty, there be issued and apply’d the Sum of One Million, out of such Moneys as have arisen, or shall or may arise from the Surplusses, Excesses, or Overplus-Moneys, commonly called the Sinking Fund.

That towards raising the Supply granted to his Majesty, the several Duties on Salt, and also on Red and White Herrings, deliver’d out for Home Consumption, which, by an Act of the 7th Year of his present Majesty’s Reign, were continu’d and granted to his Majesty, his Heirs and Successors, until the 25th Day of March, 1742, be further continu’d from the 24th Day of March, 1741, to the 25th Day of March 1746.

And Bills were brought in soon after, pursuant to these Resolutions.

On the 12th of the same Month, a Petition of *George Herriot*, Provost of the Royal Burgh of *Haddington* in *Scotland*, *Robert Forrest*, Brewer there, *John Hay*, Sadler there, *George Hunter*, Wheelwright there, and *George Walker*, Skinner there, was presented to the House, alleging, That upon Application made the 24th of October then last, by *James Ereskine*, *John Claddel*, *Andrew Wilson*, and others, assuming to themselves the Name of Magistrates in the said Burgh, and complaining that the Petitioners had disturbed them in the pretended Exercise of their Offices; the Hon. *Andrew Fletcher* of *Milton*, one of the Judges of the Court of Justiciary, and also of the Court of Session in *Scotland*, though there was evidently no Foundation for such Complaint, without any Jurisdiction to judge of the Merits of the Election of Magistrates of the said Burgh, without any Evidence laid before him, without any Notice given to the Petitioners, or any of the other Persons concerned; and so, without hearing them, or calling them before him, gave forth

forth a summary Warrant, directed to all Officers whom it concerned, civil or military, to search for, seize and apprehend the Persons of the Petitioners and many others, to the Number of forty Burgeses and Inhabitants, whereof seventeen were acting Magistrates or Counsellors of the said Burgh, where-ever they should be found in Scotland, and to imprison them within the nearest sure Prison; that this Warrant was lodged in the Hands of *Humphry Colquhoun*, one of the Macers or Messengers of the Court of Justiciary, without the Privy of any other of the Judges of that Court; and, as the Petitioners have Reason to believe, the said *Andrew Fletcher* order'd the said Macer to take Directions from *Patrick Lindsay*, Provost of *Edinburgh*, as to the Manner of executing that Warrant; and such Directions were accordingly given, as the Petitioners have Reason to believe, in Writing; that this Warrant was accompany'd by an Order from Brigadier-General *Moyle*, then acting as Commander in chief of the Forces in *Scotland*, to the commanding Officer of the Dragoons then quarter'd in *Haddington*, to assist with his Dragoons in the Execution of the Warrant; that upon the 25th Day of the said Month of *October*, the Petitioners were seized by the said *Humphry Colquhoun*; and though the next sure Prison was that of *Haddington* itself, or that of *North Berwick*, and though the Petitioners desired either to be committed there, or to be carry'd to *Edinburgh*, the Seat of the Courts of Justice, where they might apply for Redress; yet he told them, that his Orders were to carry them to the Prison of *Dunbar*, and no other, a Place twenty Miles distant from *Edinburgh*, and eight Miles from *Haddington*, and three Miles further from *Edinburgh* than *North Berwick*; and though the pretended Crime was bailable, and *Alexander Hepburn*, the Sheriff's Substitute, to whom the Petitioners apply'd, was by Law impowered, and willing to admit them to Bail, the said *Humphry Colquhoun* told, that he could not dismiss them upon Bail, his express Orders being to take no Bail, but to commit his Prisoners to the Prison of *Dunbar*; where they were accordingly imprison'd from the 25th Day of *October*, to the 27th of the said Month, 'till by Warrant from the Hon. *David Erskine* of *Dun*, another of the Judges of the said Courts of Justiciary and Session, the Petitioners were set at Liberty, and Execution of the Warrant was staid against the rest, upon Bail given by the Petitioners and them; and that since
that

that Time no criminal Prosecution has been moved for, upon any of these pretended Crimes charg'd against the Petitioners or the rest; that these Proceedings, as the Petitioners apprehend, and are advised, were utterly illegal and oppressive on the Part of the said *Andrew Fletcher* of *Miltoun*, tending to destroy the personal Liberties of every Subject, the Freedom of the Royal Burghs, and of Consequence the Freedom of Elections of Members to serve in Parliament for such Burghs; and as the Petitioners can hope for no Redress but from the Justice of Parliament; therefore praying the House to take the Premises into Consideration, and to grant such Redress therein as may effectually prevent such Oppressions in Time coming, and as otherwise to the House shall seem meet.

After this Petition was read, a Motion was made for referring it to a Committee of the whole House, upon which there was a long Debate; but the Question being at last put, it was, upon a Division, carry'd in the Negative, by 197 to 155.

Though this Petition relates to a private Affair, yet it is of such an extraordinary Nature, and has such a close Connection with the Freedom of our Government, and with the Liberty of the Subject, that we could not omit taking Notice of it, being of Opinion it will make a very remarkable Episode in the History of the present Age, and will certainly contribute towards the Catastrophe almost as much as any Incident that has lately happen'd: Besides, it gave Occasion, we believe, to the following Motion, which was made on Friday following.

That Part of an Act of the Parliament of Scotland in 1701, intitled, *An Act for preventing wrongous Imprisonment, and against undue Delays in Trials*, might be read; which being accordingly read, it was moved, 'That Leave might be given to bring in a Bill for explaining and amending the said Act;' and the same being agreed to, Mr. *Dundas*, the Lord *Polwarth*, and Mr. *Sandys*, were ordered to bring it in.

On Monday the 17th of March, the House resolv'd itself again into a Committee of the whole House, to consider further of the Supply granted to his Majesty, when they resolv'd to grant his Majesty the following Sums, viz.

The Sum of 10,393 l. 5 s. 11 d. to compleat the Sum of 81,568 l. 5 s. 11 d. for Services incurred by augmenting his Majesty's Forces, and in concerting such other Measures,

Measures, as the Exigency of his Majesty's Affairs required. The Sum of 49 834 *l.* 13 *s.* 4 *d.* upon Account, for reduced Officers of his Majesty's Land Forces and Marines, for the Year 1735. The Sum of 3780 *l.* for paying off Pensions to the Widows of such reduced Officers of his Majesty's Land Forces and Marines, as dy'd upon the Establishment of Half-Pay in *Great Britain*, (and who were marry'd to them before the 25th of *December* 1716) for the Year 1735. The Sum of 79,760 *l.* 3 *s.* 9 *d.* for the Charge of the Office of Ordnance for Land-Service for the Year 1735. The Sum of 24,693 *l.* 11 *s.* 6 *d.* for defraying the extraordinary Expence of the Office of Ordnance for Land-Service, not provided for by Parliament. The Sum of 36,405 *l.* 15 *s.* 4 *d.* $\frac{1}{4}$. to make good the Deficiency of the Grants for the Service of the Year 1734. The Sum of 37,557 *l.* 13 *s.* 4 *d.* for making good the Deficiency of the general Fund. The Sum of 198,924 *l.* 9 *s.* 7 *d.* for the Ordinary of the Navy (including Half-Pay for Sea-Officers) for the Year 1735. The Sum of 10,000 *l.* towards the Support of the Royal Hospital at *Greenwich*. The Sum of 10,000 *l.* towards the Maintenance of the *British* Forts and Settlements belonging to the Royal *African* Company of *England*, on the Coasts of *Africa*. The Sum of 26,000 *l.* towards settling and securing the Colony of *Georgia* in *America*. The Sum of 4000 *l.* towards the Repair of the Collegiate Church of *St. Peter, Westminster*: And the Sum of 3500 *l.* for the Repair of the Tower and Roof of the Parish Church of *St. Margaret, Westminster*.

By adding these Sums to the Sums before granted, *viz.* for Seamen 1,560,000 *l.* For Land-Forces, 794,529 *l.* 4 *s.* 7 *d.* $\frac{1}{2}$. For Garrisons, 215,710 *l.* 6 *s.* 5 *d.* $\frac{1}{2}$. For extraordinary Expences incurred, 10,273 *l.* 1 *s.* 7 *d.* $\frac{1}{4}$. For Out-Pensioners of *Chelsea* College, 18,850 *l.* 9 *s.* 2 *d.* And for *Denmark* Treaty, 56,250 *l.* Our Readers will see, that the Supply granted for this Year, amounts to 3,150,452 *l.* 4 *s.* 7 *d.* $\frac{1}{4}$.

On the 19th, it was order'd, That Leave should be given to bring in a Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers in the House of Commons; and Mr. Sandys, Mr. Wortley, Mr. How, Sir John Hind Cotton, Mr. Watkin Williams Wynne, and Sir William Lowther, were ordered to prepare and bring in the same; which was accordingly presented to the House on the 21st, by Mr. Sandys.

The

The same Day, the House having resolv'd itself into a Committee of the whole House on Ways and Means, resolv'd, That towards raising the Supply granted to his Majesty, the Sum of two Shillings in the Pound, and no more, should be rais'd in the Year 1735, upon Lands, &c. and that a proportionable Cess (according to the 9th Article of the Treaty of Union) should be laid upon that Part of *Great Britain* called *Scotland* : And a Bill, pursuant to this Resolution, was order'd to be brought in.

On Thursday the 13th of *March*, the Mutiny Bill was, according to Order, read a second Time in the House of Lords, and order'd to be committed : But as soon as the Motion for committing was agreed to, a Motion was made, ' That an Instruction should be given to the Committee on that Bill, to receive a Clause for providing, That the Number of Land-Forces to be mention'd in the Preamble, and subjected to the Penalties of that Bill, should not exceed 17,704 Men.'

Upon this Motion there was a long Debate, in which the Arguments made Use of for the Motion, were to this Effect :

S I R,

Although I have agreed to the committing of this Bill without any Objection, yet I cannot but take Notice of the Number of Forces mention'd in the Preamble. The Number of Forces kept up last Year, was much greater than I thought necessary for the Defence of our Country, and much greater than I thought consistent with the Safety of our Constitution ; but by the Bill now before us I find, even that Number is now to be greatly increased ; and why a greater Number is now necessary or safe I cannot comprehend. I have always thought myself obliged, as a Member of this House, to take Notice of every Thing that might occasion any additional Burthen to be laid upon the Subject, or that might, in my Opinion, be of dangerous Consequence to the Happy Constitution of this Kingdom ; and I have always thought it my Duty not to give my Consent to either, till I heard some very sufficient Reasons for convincing me that it was necessary. This, my Lords, is what makes me now stand up ; for I have always been of Opinion, and I think it has generally been admitted, that the keeping up of a great Number of regular Troops within this Island, in Time of Peace, is of the most dangerous

dangerous Consequence to our Liberties, and the increasing that Number upon any Occasion, must oblige us to lay new Burthens upon the People.

As the Circumstances of *Europe* are now much the same they were last Year, if no greater Number had been proposed, for the ensuing Year, I have so great a Respect for the Opinion this House was of the last Session of Parliament, that though I am still of a different Opinion, I should not have given your Lordships any Trouble on the present Occasion; but since a great Addition is now to be made, to that which last Year I thought too great a Number, I expected that some of the noble Lords, who are in the Secret of our Affairs, would have stood up and shewn us the Necessity of this Augmentation: This I not only had Reason to expect, but I am in Honour obliged to insist upon it, before I give my Consent for keeping up the Number now proposed; and every Lord of this House, who is in the same Circumstances with me, has Reason to expect the same, and lies under the same Obligation to insist upon it. There may be, for what I know, a very urgent Necessity for this Augmentation, but I desire to have that Necessity explained to us; for if this House should ever come into the Method of increasing our Fleets and our Armies, and loading our People with Debts and Taxes, for no other Reason but because the Ministers tell us it is necessary; the Parliament of *Great Britain* will soon come to be of the same Nature with the Parliament or States of the Province of *Britany*, or of any other of the Provinces of *France*; we may perhaps continue to meet in this House, but we shall meet here for no other End, but to approve of what our Ministers may be pleased to inform us of, and to give a Parliamentary Sanction to whatever they may be pleased to propose.

The chief Reason therefore, my Lords, for my standing up, is to demand that some noble Lord, who is better acquainted than I am with the present Circumstances of the Nation, especially with Respect to our foreign Affairs, would stand up in his Place, and explain to us the Necessity for making the Augmentation proposed; or unless that Necessity be fully explained to us, I hope your Lordships will agree to the Motion I now make, which is, That there may be an Instruction to the Committee upon this Bill, to receive a Clause, &c. (as above mentioned.)

H h

The

The Answer to this was in Substance as follows :

My Lords,

I Shall readily admit, that the keeping up of a numerous Standing Army within this Island in Time of Peace, is of the most dangerous Consequence, and absolutely inconsistent with our Constitution ; I shall likewise admit, that no Augmentation can be made to our Army, without laying some additional Burthen upon the People ; and therefore I must admit, that we ought never to agree to either, without some very apparent Necessity for so doing ; but the Affairs of *Europe* are at present in such dangerous State, and that State is so well and so publickly known, that the Necessity of our making an Augmentation of our Army is, in my Opinion, of itself apparent, and therefore I thought it was quite unnecessary for any Lord in this House to explain that Necessity. The present cannot be properly said to be a Time of Peace : We are at present in a State of Doubt and Suspence, which can neither be called a State of Peace or of War ; for though we are not actually engaged in the War now carrying on in *Europe*, no Man can foresee how soon we may be obliged to engage ; and therefore it is highly necessary for us to begin early to provide for the worst, in order that we may be able to engage with such Vigour as may contribute both to the Safety and the Honour of the Nation, in Case any future Event should render it absolutely necessary for us to take a Share in the War.

The Number of Troops mentioned in the Preamble of this Bill is, 'tis true, greater than that which was mentioned in the same Bill last Session of Parliament ; yet, my Lords, the Augmentation is not so great as it may at first appear to be : The Number of Troops proposed for this ensuing Year, does not very much exceed that Number which was thought necessary last Year ; for your Lordships must remember, that towards the Close of last Session, there was a Power granted to his Majesty to augment his Forces both by Sea and Land, if the Emergency of Affairs should so require ; and, in Pursuance of this Power, there was last Year an Augmentation made of our Land-Forces, which Augmentation his Majesty thought absolutely necessary, for enforcing those Measures he was then taking, in Concert with his Allies, to restore the Tranquility of *Europe*. His Majesty's Mediation

diation, in Conjunction with his Allies the *Dutch*, had been accepted by all the Parties engaged in War ; and in such Circumstances, it was certainly very necessary for his Majesty to put himself into such a Condition as might add Weight to what he was to propose, as Mediator of the Differences subsisting in *Europe*. A Plan of Peace has accordingly been offered to the Parties engaged in War ; if the Terms of that Plan be accepted, Peace will be restored to *Europe*, the Balance of Power preserved, and this Nation freed from the Danger it is at present exposed to, of being obliged to engage in a bloody and expensive War : It is therefore very much the Interest of this Nation in particular, as well as of *Europe* in general, to have that Plan made effectual ; and it must be granted, that the most certain Method for making it effectual, is for his Majesty to shew to all the Parties concerned, that he is preparing to join against those who shall refuse to accept of those reasonable Terms of Peace which he has been pleased to propose. This was the Reason for making an Augmentation last Year, this is the Reason for making still a further Augmentation for the Year to come, and this is so apparent, that I did not expect it would have wanted any Explanation.

But, my Lords, if his Majesty's Endeavours should fail of the desired Success, the Augmentation we have made, will then be of great Use ; for if that reasonable Plan his Majesty has offer'd, should be rejected, it will be a Proof, that some of the Parties engaged in War have Designs which are inconsistent with the Liberties of *Europe* ; this must, of Course, necessarily oblige us to join the other Side, and by the Preparations we have made, we shall be able to put a Stop to the Designs of the Ambitious, before they have had an Opportunity to push them too far ; in which we shall certainly have the Assistance of our Friends the *Dutch*, who, as they are joined with his Majesty in the Mediation, will, without Doubt, join with him in such other Measures as may be necessary for preserving the Balance of Power ; and this they will do the more cordially and the more freely, when they see that his Majesty is prepared for the immediate Execution of any Measure that may be proposed. In this Respect, they were in a Situation very different from that in which we were at the Beginning of the War, because they had made no Reduction of their Land-Forces ever since the Treaty of *Vienna* between the Emperor and *Spain*, and therefore it was not

H h 2

necessary

necessary for them to make any Augmentation ; all they had to do was, to delay making that Reduction which they had actually resolved on before the present War broke out ; whereas we had long before reduced the Augmentation we made of our Land-Forces, on Occasion of that Treaty, and were, for that Reason, obliged to increase them last Year, in order to put ourselves upon an equal Footing with the *Dutch*, and to convince them, that we were resolved to be ready to join with them in any Measure that should appear necessary for preventing the ambitious Views of either of the Parties now engaged in War.

Upon this Occasion, my Lords, we ought to consider, that immediately after the Treaty of *Utrecht*, the *Dutch* reduced their Land-Army to 32000 Men, which they supposed to be a Number sufficient for the Defence of their Country in Time of Peace, and accordingly it appeared to be so ; for they never made any Addition till they heard of the Treaty concluded between the Emperor and *Spain* at *Vienna*, and the Counter-Alliance concluded between *England* and *France* at *Hanover*, upon which Occasion, as the Affairs of *Europe* seemed to tend towards an open Rupture, they augmented their Army with 20,000 Men ; and at the same Time, and for the same Reason, we increased our Land-Forces to the Number now proposed by this Bill ; but upon the Conclusion of the Treaty of *Seville*, we reduced our Forces again to their old Standard ; whereas the *Dutch* never reduced a Man of the 20,000 additional Troops they had raised, though it is certain, they were resolved to reduce every Man of them, as soon as they saw that the Affairs of *Europe* would admit of such a Reduction ; and had actually come to a formal Resolution to reduce 10,000 of them, just before the late King of *Poland's* Death ; but upon that Prince's Death, they very wisely suspended that Resolution ; so that they certainly have now 20,000 Land-Forces on Foot, more than they would at this Time have had, if no War had broke out ; therefore it may be properly said, they have made an Augmentation of 20,000 Men, on Account of the present War ; and to do them Justice as our Allies, and as being united in the same Interest with us, we can do no less than increase our Army to the Number now proposed, as being the least Number we can have, in Proportion to the Army our Allies the *Dutch* have at present on Foot.

The Number of regular Forces kept up within this Island in former Times, is, I find, an Argument constantly made Use of when this Bill comes before us ; but it is always, in my Opinion, an Argument rather for than against the Number of Forces proposed by the Bill ; for, considering the Difference between regular Forces and Militia, which the late Troubles in *Poland* have made sufficiently manifest, it must be granted, that the Number of regular Forces kept up in this Nation, or in any Nation, ought always to bear some Sort of Proportion to the Number of regular Forces kept up by neighbouring States, especially by those from whom the greatest Danger is to be apprehended ; and as all the Nations of *Europe* have of late Years very much increased their Number of regular Forces formerly kept up, we must necessarily do the same ; but in particular, we ought to consider our neighbouring Kingdom of *France*, as the Nation from which we have the most to fear ; and if we compare the Number of regular Forces now kept up by them, even in Time of Peace, with the Number they formerly kept up, I believe we shall find, that the Increase we have made in our Number of regular Forces, bears no Proportion with the Increase they have lately made ; so that this Argument, which is generally made Use of against the Bill, is really, if rightly consider'd, one of the strongest Arguments that can be made Use of in Favour of the greatest Number of Forces that was ever proposed to be kept up within this Island in Time of Peace ; and considering the doubtful State we are in at present, considering the present dangerous Situation of the Affairs of *Europe*, I am surpris'd to see any Opposition made to the small Augmentation now proposed.

The Reply was in Substance thus :

My Lords,

AS every Day seems to furnish us with new Maxims in Politicks, which to me appear very extraordinary ; so this Day has furnish'd us with a Maxim, that is not only extraordinary, but inconsistent with our Constitution : We have been told, that the Number of regular Forces kept up in this Nation, is always to bear some Proportion to the Number of regular Forces kept up by our Neighbours, especially by our Neighbours of *France*, from whom we are said to have most to fear. My Lords, if we were so unlucky as to be situated on the Continent,

or

or to have any Neighbours that could come at us by Land, there might be some Truth in the Maxim now discovered to us ; but as we have the Happiness to be surrounded by the Sea, as we have the Happiness to have a Fleet superior to any that can probably be sent against us, we have no Occasion to give ourselves any Trouble, or to put ourselves to any Expence, on Account of the regular Forces kept up by any of our Neighbours : Our Neighbours may keep up as many Hundred Thousands as they please, but they cannot put Hundred Thousands on Board Transports, and without putting them on Board Transports they can do no Harm to this Nation : Nay, they cannot put any great Number of Thousands on Board Transport-Ships, without our hearing of the Embarkation ; and if we have the least Suspicion of their being designed against us, we can send our Fleet and lock them up, or perhaps burn their Ships in their Harbours ; therefore we can never have Occasion to keep up in this Island any greater Number of regular Forces than are necessary for securing our Coasts against sudden and unexpected Invasions, which can never consist of above four or five Thousand Men ; and to guard us against such, I am sure a much smaller Number of regular Forces would be sufficient than has been kept up for many Years past in this Island.

We have likewise been told, my Lords, of the great Difference between regular Forces and Militia, which, 'tis said, has been manifested by the late Troubles in *Poland* : But, in this Case, we ought to distinguish between veteran Troops, and those that can only be called regular Troops : We ought also to distinguish between a regular well-disciplined Militia, and a meer Rabble or Mob. By veteran Troops I mean those who have been enured to Action, and are acquainted with Danger, and such I believe will always be found better than the best disciplined Militia, or even the best regular Troops that never look'd an Enemy in the Face, unless it was the Smugglers, and the Thieves of their own Country : But that there is any very great Difference between these last mentioned Troops, and a regular well-disciplined Militia, is what I cannot admit of ; nor have the late Troubles in *Poland* afforded me any Reason to do so ; for every one knows, that their Militia were neither regular nor disciplined ; nay, I doubt much if they were sufficiently provided with Ammunition or Arms : But the Situation of this Country is very far different
from

from that of *Poland*; for though our Militia have been very much neglected of late Years, yet, before we could be invaded by any powerful Armado, we would have Time to discipline our Militia, and to form them into regular Regiments: It is very well known, that the *Spanish* Armado was above two Years in preparing; and I believe there is not now a Nation in *Europe*, besides ourselves, that could fit out such another in a shorter Time. In two Years, in the Half, in the fourth Part of that Time, there is not a Plowman in *Britain*, but might be made as good a Soldier as ever danced through his Exercises at a Review; and if he should dance through his Exercises for twenty Years longer, without seeing Action, he cannot be call'd a Veteran, nor can it be supposed he will behave as such in the first Action he happens to be in.

These Considerations, my Lords, have always convinced me, that 7 or 8000 Men are sufficient to guard this Island against any foreign Invasions, and I am sure they will always be sufficient for the Support of our Government, as long as the Affections of the People are carefully preserved; a greater Number can never, in my Opinion, be necessary, unless it be a wicked and oppressive Administration, against the general Resentment of the People; and this House will never, I hope, give Countenance to any such Design. From hence, my Lords, I must conclude, that we are for this next Year to keep up 17 or 18000 Men, purely on Account of the present War; and why we should as yet give ourselves so much Concern, or put ourselves to such an Expence about it, is what I cannot comprehend. We are, it is said, in a State of Doubt and Suspence; but were not we in the same State at the Beginning of last Session of Parliament? Were not the Consequences of the War as much to be dreaded at the Beginning of that Session as at the End, or as they can be at present? Nay, in my Opinion, they were more to be dreaded at the Beginning of that Session than at any Time since; for ever since that Time, the Parties engaged have appeared to be pretty equally match'd; and while they continue so, I am sure the Balance of Power can never be supposed to be in Danger; so that if his Majesty augmented his Land-Forces, in Pursuance of the Power granted at the End of last Session of Parliament, it is so far from being a Reason for agreeing to the Augmentation now proposed, that unless I hear some better Reason than I have yet

yet heard for it, I must conclude, it was an unnecessary Augmentation, it was putting the Nation to a needless Expence; and therefore we ought to be so far from approving it, by making a new Augmentation, that we ought to address his Majesty, to know who it was advised him to make the last.

With Respect to the Plan of Peace, said to have been offered to the Parties now engaged in War, I am entirely in the Dark; nor can any Lord, as a Member of this House, draw any Argument from it, because nothing relating to it, nothing relating to any of our foreign Affairs, has been laid before this House. Whatever that Plan may be, I wish it may meet with the desired Success; but I am sorry to say, I have too good Reason to doubt of its meeting with any Success; for, from the View I have of foreign Affairs, even from that View which I take from publick News Papers, I am of Opinion, the War now kindled in *Europe* cannot be so easily made an End of as some People imagine: Before that Flame can be extinguished, I am afraid much Blood must be spilt, great Princes must suffer, even Queens must weep; the Conduct of Ministers must be enquired into, and some must meet with that Punishment they deserve, before that Flame can be extinguish'd which has been raised by their Mismanagement.

But supposing, my Lords, that we had been made fully acquainted with this Plan, supposing that we knew it to be a reasonable and a good Plan; do we think that his Majesty's Measures, or any Propositions he may be pleased to make to foreign Powers, are to be enforced by an Addition of 7 or 8000 Men to his Land-Forces? No, my Lords, his Majesty's Measures are, upon all Occasions, to draw their Weight from the Affections of his People, and from the sincere Advices of his Parliament, after we have been fully informed of our Circumstances with Respect to foreign Affairs; for in Case it should at last appear absolutely necessary for us to enter into the War, for the Sake of preserving the Balance of Power in *Europe*, all the Men in the Nation, able to bear Arms, would be at his Majesty's Service, and every Purse would be open to him; but 'till that Conjecture happens, the Strength and the Money of the Nation ought to be husbanded as much as possible; the Nation's Money ought not to be thrown away upon useless Augmentations, either by Sea or Land, which can no Way contribute to intimidate our Enemies, and may amuse our Friends

with

with vain Hopes of Assistance, when perhaps there is no such Thing design'd.

The *Dutch*, 'tis true, my Lords, did reduce their Land Forces to about 32,000 Men soon after the Peace of *Utrecht*; but it is well known that the Reduction they then made was too great, and was loudly complain'd of even by some of their own Provinces: At that Time, indeed, there was almost a Certainty, that the Tranquility of *Europe* would continue for some Years; every Nation in *Europe* was then groaning under the Burdens which the former War had brought upon them, so that it was very improbable any one of them would soon think of disturbing the Peace of any neighbouring State; and the *Dutch*, who had their Share in the Burthen of the War, thought they might take Advantage of that Time of absolute Security, to ease their People, and to recover a little from that Burthen of publick Debts they were then labouring under; yet even at that Time, notwithstanding the State of absolute Security, which *Europe* was then in, the Provinces of *Guelderland* and *Overyssel*, which lie most exposed, remonstrated strongly against the Reduction then made, and never ceased their Remonstrances 'till the Treaty of *Hanover* happen'd, which afforded them an Opportunity of pressing an Augmentation with Success; for as the Situation of that Country is very different from the Situation of this, it is at all Times necessary for them to keep up a numerous Army. They have the Misfortune to be situated upon the Continent, and may consequently be suddenly invaded by great Armies; they have an extensive Frontier to defend, upon which they have above seventy fortify'd Towns, and in every one of these they must keep a Garrison, in many of them they must keep numerous Garrisons; so that 52000 Men is really the least Number they can keep up, unless it be at some very extraordinary Conjunction, such as that which happen'd after the Treaty of *Utrecht*.

Although, my Lords, there can be no just Parallel drawn between the Number of regular Forces necessary to be kept up in *Holland*, yet let us consider what we did at the Time the *Dutch* made this large Reduction: Did not we at the same Time reduce our Army to 7 or 8000 Men; and if at that Time we had follow'd the Example of the *Dutch*, we had reduced it to half that Number; if any Parallel then could be drawn between the *Dutch* and us, the additional 10.000 we now keep up, and
I i which

which has been kept up for many Years, ought to be set against the 20,000 additional Forces raised by the *Dutch* upon the Conclusion of the Treaty of *Hanover*, and every Man must grant that it is more than our just Proportion. But besides this 10,000 which last Year we agreed to keep up, for no other Reason but only on Account of the War then broke out in *Europe*, have we not made a most extraordinary Addition to our Naval Force? Have we not now added no less than 22000 Men to the Number of Seamen we kept up the Year before the War broke out; so that if we had actually reduced the 10,000 Land Forces kept up last Year solely on Account of the War, neither the *Dutch*, nor any other of our Allies could have said that we were behind-hand with them, in providing for the Preservation of the Balance of Power in *Europe*; but as the Case now stands, we have taken such an Alarm, and have put ourselves to such an Expence, that all the Powers of *Europe* seem to think we have done enough for them, as well as ourselves; and therefore, neither the *Dutch*, nor any other Power of *Europe*, have given themselves the least Concern, or put themselves to the least Expence about the Preservation of that in which they are as deeply and more immediately concerned than we.

If the Balance of Power, my Lords, were really in Danger of being overturned, we ought to take other Sort of Measures than have as yet been taken. Our Treaty with *Denmark* can make no new Addition to the Security of that Balance, because the King of *Denmark*, by as solemn a Treaty as can be made, was before obliged to assist the Emperor with all his Force; and if the Emperor could not depend upon that Treaty, we can little depend upon the Treaty we have made, or any Treaty we can make: But upon the present Emergency, our Views should have been principally directed to another Quarter; there is another Power whose Friendship and Alliance will always add great Weight to any of our Negotiations upon the Continent; and I am sorry to find there is not so good an Understanding between that Power and us, as ought to be wished upon all Occasions, but particularly upon the present Emergency. As we have been refused all Insight into the Affairs of *Europe*, or into any of our late Negotiations, it is impossible for me to judge, whether the Balance of Power be in Danger or not; but by the Inaction of the *Dutch*, and the Indifference shewn by several other Powers, with respect to the present War, I must conclude, that the

the Balance of Power is not as yet like to be in any Danger; if it is not, and we have no other Concern in the War, I must then certainly conclude, that the great Expence we have been at, as well as the additional Expence now proposed, are quite useless, and can serve no Purpose, but that of over-loading the People with Taxes, and alienating the Minds of his Majesty's Subjects; which, instead of adding Weight to his Majesty's Negotiations, will frustrate all his Measures for restoring the Tranquillity of *Europe*, and will render the Councils of this Nation contemptible in the Eyes of all our Neighbours.

To pretend, my Lords, that we must always augment our Land Forces when *France* augments theirs, is one of the most dangerous Doctrines I ever heard deliver'd in this House: It may as well be said, that because the *French* have given up their Liberties, and submitted their Necks to the Yoke of arbitrary Power, we ought to do the same. What have we to do, for God's Sake, with the Armies of *France*? They may march great Armies into *Holland*, *Germany*, *Italy* or *Spain*, but can they march an Army into *Great Britain*, or into any Part of our Dominions? We know they cannot; and we likewise know they cannot transport any great Number of Forces by Sea, nor can they transport any Number but by Stealth, as long as our Fleet is superior to theirs: And while we are united among ourselves, as long as his Majesty, or any of his illustrious Family, shall retain the Hearts and Affections of the People, we have nothing to fear from any Number that *France* could, by Stealth, throw in upon us, though we had not a Regiment of what are called regular Forces in the Kingdom.

Let us consider, my Lords, what it was that contributed to destroy the Liberties of *France*: It was, my Lords, their Fears of Invasions from us: We had then large Possessions in that Country, from whence it was easy for us to invade them at any Time; and the continual Apprehensions they were under, of Invasions from us, afforded their Kings and Ministers a Pretence for prevailing with the People to alter the Form of their military Force: They alter'd the antient Establishment of their Militia, and put the Power over them entirely into the Hands of the Crown: This gave the first Blow to the Liberties of the People; for soon after, their Kings began to keep up regular Armies, entirely dependent upon the Crown; and as *France* was the first Country of *Europe*

rope where any such Army was kept up, so the French were the first People in Europe that lost their Liberties: If we should fall into the same Error, if we should now, for fear of Invasions from them, do what they formerly did for fear of Invasions from us, we might expect our Case would at last come to be the same; and then, indeed, they would have of us a full Revenge; but we would be much less excusable, because their Fears of Invasions from us were real, and were founded upon Experience; whereas our Fears from them, are so far from being founded upon Experience, that they must always be imaginary and ridiculous.

At last the Question was put upon the Motion, and was, upon a Division, carry'd in the Negative, by 87 to 43.

The Motion was made by the Earl of St——d, and was supported by the Lord B——st, the Earl of A——d, the Earl of Ch——d, the Lord C——t, and the Earl of W——ea. It was oppos'd by the Lord H——y, the Lord C——r, the Earl of F——ter, the Duke of N——le, and the Lord H——ck.

F I N I S.



T H E

Historical Register.

NUMBER LXXXIV.

G R E A T B R I T A I N .

*Remainder of the Debates and Proceedings in the first
Session of the present Parliament.*



ON Monday the 24th Day of March, his Majesty came to the House of Peers, and gave the Royal Assent to the two following publick Bills, viz..

An Act to punish Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

An Act to indemnify Persons who have omitted to make and subscribe the Declarations contained in the Act of Uniformity, of the 13th and 14th Years of King Charles II. within the Time limited by Law, and for allowing further Time for doing thereof.

And to two Bills for repairing Roads, and two private Bills.

On the 27th, a Committee was appointed to consider the Laws in Being relating to the Maintenance and Settlement of the Poor, and to consider what further Provisions might be necessary for their better Relief and Employment: And the said Committee having consider'd and examin'd this Affair with great Care and Attention, came to several Resolutions as follow,

Resolv'd, That it was the Opinion of that Committee,

1. That the Laws in Being, relating to the Maintenance of the Poor of this Kingdom, are defective; and, notwithstanding they impose heavy Burthens on Parishes, yet the Poor, in most of them, are ill taken Care of.

K k

2. That

2. That the Laws relating to the Settlement of the Poor, and concerning Vagrants, are very difficult to be executed, and chargeable in their Execution; vexatious to the Poor, and of little Advantage to the Publick; and ineffectual to promote the good Ends for which they were intended.

3. That it is necessary, for the better Relief and Employment of the Poor, that a publick Workhouse or Workhouses, Hospital or Hospitals, House or Houses of Correction, be established in proper Places, and under proper Regulations, in each County.

4. That in such Workhouse or Workhouses, all poor Persons, able to labour, be set to work, who shall either be sent thither, or come voluntarily for Employment.

5. That in such Hospital or Hospitals, Foundlings and other poor Children, not having Parents able to provide for them, be taken Care of; as also poor Persons that are impotent or infirm.

6. That in such House or Houses of Correction, all idle and disorderly Persons, Vagrants, and such other Criminals as shall be thought proper, be confined to hard Labour.

7. That towards the Charge of such Workhouses, Hospitals, and Houses of Correction, each Parish be assessed or rated, and that proper Persons be impower'd to receive the Money so to be assessed or rated, when collected, and also all voluntary Contributions or Collections, either given or made for such Purposes.

8. That such Workhouses, Hospitals, and Houses of Correction, be under the Management of proper Persons, Regard being had to such as shall be Benefactors to so good a Work.

9. That such Persons as shall be appointed for the Management of such Workhouses, Hospitals, and Houses of Correction, be one Body politick in Law, capable to sue and be sued, and of taking and receiving charitable Contributions and Benefactions for the Use of the same.

10. That for the better understanding, and rendering more effectual the Laws relating to the Maintenance and Settlement of the Poor, it is very expedient that they be reduced into one Act of Parliament.

These Resolutions were reported to the House on the 2d of May, and on the 7th of the same Month, were all agreed to without Amendment, except the 9th, which was amended thus, *viz.*

Resolved,

That such Persons as shall be appointed for the Management of such Workhouses, Hospitals, and Houses of Correction, be one Body politick in Law, capable to sue and be sued, and of taking and receiving charitable Contributions and Benefactions in Money, for the Use of the same, with proper Restrictions as to the Use of such Bodies politick.

And then this Resolution so amended, was agreed to by the House.

On the 28th of March, Mr. Dundas presented to the House (according to Order) a Bill, for explaining and amending an Act pass'd in the Parliament of Scotland, in the Year 1701, entitled, *An Act for preventing wrorgous Imprisonment, and against undue Delays in Trials.* Which was read a first Time, and order'd to be read a second Time.

On the 10th of April, a Petition of the then late General Assembly of the Church of Scotland, was presented to the House and read, representing, That Patronages have, since the Reformation, been deemed by the said Church a very great Grievance, and not warranted by the Word of God, and have at all Times been struggled against; that soon after the Revolution, an Act of Parliament was made in Scotland, abolishing the Power of Patrons to present Ministers to vacant Churches; and at the Union of the two Kingdoms, the Establishment of the Church of Scotland, in all its Rights and Privileges, by that and other Acts of Parliament made or ratify'd after the Revolution, was declared to be a fundamental and essential Condition and Article of that Union; and at that Time, it was the Right and Privilege of the said Church to be free from Patronages; but that by an Act passed in the 10th Year of her late Majesty Queen Anne, entitled, *An Act to restore the Patrons to their antient Rights of presenting Ministers to the Churches, vacant in that Part of Great Britain called Scotland,* the aforesaid Act passed in the Reign of King William, was rescinded, in so far as concerned the Power of Patrons to present Ministers to vacant Parishes, and other Advantages, which had been the chief Things bestowed on Patrons, in Lieu and Recompence of their former Right of Presentation, were nevertheless suffered to continue with them; and therefore praying the House to pass a Bill for repealing the aforesaid Act of Parliament passed in the 10th Year of Queen Anne, in so far as concerns

the Power of Patrons to present Ministers to vacant Churches, in order to restore the Church of Scotland to the Rights and Privileges she was possessed of at the Union of the two Kingdoms.

In Pursuance of this Petition, Leave was given to bring in a Bill for this Purpose, and Mr. *Plumer*, Mr. *Ereskine*, Mr. *Forbes*, Mr. *Areskine*, Sir *James Ferguson*, and Mr. *Hume Campbell*, were ordered to prepare and bring in the same; which Bill was presented by Mr. *Plumer* on the 18th, but did not pass.

On the 22d of *April*, the Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers in the House of Commons, was read a second Time, according to Order, and a Motion was made for its being committed, upon which there ensued a long Debate; but as we have given the Substance of the Debates on the said Bill in former Sessions, the Substance of this new Debate is entirely unnecessary.

The Question being put for committing the Bill, it was, upon a Division, carry'd in the Negative, by 216 to 192.

We have already given an Account of a Motion made by the Lord *Carteret* in the House of Lords, for an Address to his Majesty, that he would be pleased to give Directions to the proper Officers, to lay before the House the several Allotments of Quarters which had been made for his Majesty's Land Forces in *Great Britain*, from the 25th Day of *March* then last. This Motion was agreed to, and the Allotments laid before the House: Whereupon it was moved, and the Judges were ordered to prepare and bring in a Bill for regulating the quartering of Soldiers during the Time of Elections. This Bill was accordingly prepared by them, and presented to the House, being entitled, *An Act for regulating the quartering of Soldiers, during the Time of Elections of Members to serve in Parliament*; and was as follows, viz.

WHEREAS, by the antient Common Law of this Land, all Elections ought to be free: And whereas by an Act passed in the Third Year of the Reign of *K. Edward I.* of famous Memory, it is commanded, upon great Forfeiture, that no Man by Force of Arms, nor by Malice or Menacing, shall disturb any to make free Election; And forasmuch as the Freedom of Elections of Members to serve in Parliament is of the utmost Consequence to the Preservation of the Rights and Liberties of

of this Kingdom : To the End therefore that the same may be safely transmitted to Posterity, and for the avoiding any Inconveniencies that may arise thereunto from any Regiment, Troop or Company, or any Number of Soldiers which shall be quarter'd or billeted within any City, Borough, Town or Place, where any Election of any Member or Members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or of any of them, shall be appointed to be made.

Be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by Authority of the same, that when and as often as any such Election shall be appointed to be made, the Secretary at War for the Time being (who is hereby required to take Notice of the Time appointed for such Elections or Election) shall and is hereby required at some convenient Time before the Day appointed for such Election, to issue and send forth proper Orders in Writing for the Removal of every such Regiment, Troop or Company, or other Number of Soldiers, as shall be quarter'd or billeted in any such City, Borough, Town, or Place, where such Election shall be appointed to be made : And every such Regiment, Troop, or Company, or other Number of Soldiers as aforesaid, shall, upon the Receipt of such Order, accordingly march out of every such City, Borough, Town, or Place, one Day at the least before the Day appointed for such Election, to the Distance of two or more Miles from such City, Borough, Town, or Place, and shall not make any nearer Approach to such City, Borough, Town, or Place, as aforesaid, 'till one Day at the least after the Poll to be taken at such Election shall be ended, and the Poll Books closed.

And be it further enacted, by the Authority aforesaid, That in Case any Officer or Officers to whom such Order from the Secretary at War for the Time being, (or other Person to whom the issuing out such Order as is aforesaid shall belong) shall be directed and delivered, shall neglect or refuse to cause such Regiment, Troop or Company, or other Number of Soldiers so quarter'd or billeted, as aforesaid, to march out of such City, Borough, Town or Place, at the Time and to the Place or Places in such Order specify'd, and shall be thereof duly convicted upon an Indictment, to be preferr'd at the next Assizes or Sessions of Oyer and Terminer, to be held for the County where such Offence shall be committed, or an Informa-
tion

tion to be exhibited in the Court of *King's Bench*, within six Months after such Offence committed ; which Information the said Court of *King's Bench* is hereby empowered to grant, every such Officer shall, for every such Offence, be forthwith cashier'd and displaced from such his Office, and shall be thereby disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in any of his Majesty's Dominions, and shall likewise forfeit

And if any Officer or Soldier, who shall be order'd or directed to march out, as aforesaid, shall be found in any such City, Borough, Town or Place, during the Continuance of such Election, as aforesaid, and shall be thereof duly convicted, upon an Indictment to be preferr'd at the next Assizes or Sessions of Oyer and Terminer to be held for the County where such Offence shall be committed, every such Officer shall, for every such Offence, forfeit the Sum of

Provided nevertheless, That nothing in this Act contained, shall extend, or be construed to extend, to the Cities of *London* or *Westminster*, or the Borough of *Southwark*, for and in respect of such Number of Troops and Soldiers only as are usually employ'd as Guards to his Majesty's Royal Person, or are usually quarter'd or billeted near the Place of his Majesty's Residence, nor to any City, Borough, Town, or Place, where his Majesty, or any of his Royal Family, shall happen to be or reside at the Time of any such Election, for or in Respect of such Number of Troops or Soldiers only, as shall be attendant as Guards to his Majesty, or to such other Person of his Majesty's Royal Family, as is aforesaid, nor to any Castle, Fort, or fortify'd Place, where any Garrison is usually kept, for or in Respect of such Number of Troops or Soldiers only whereof such Garrison is usually composed.

Provided likewise, That nothing in this Act contained shall extend or be construed to extend to any Officer or Soldier, who shall have a Right to vote at any such Election, as aforesaid ; but that every such Officer and Soldier may freely, and without Interruption, attend and give his Vote at such Election, any Thing herein before contained to the contrary thereof notwithstanding.

On Tuesday the 15th Day of *April*, the House of Lords went into a Committee on the said Bill, and the first enacting Clause being read, the Earl of *Anglesea* stood

stood up and took Notice, That if none but the Secretary at War should be obliged to send Orders to the Soldiers to withdraw at the Time of the Election, the Intention of the Bill might be easily defeated; because, if any future Minister should have a Design to over-awe any Election, or any Number of Elections, he might get the Secretary at War removed just before the Elections came on, and no new one appointed 'till after they were over; and as the Bill then stood, any other Person acting as Secretary at War, might refuse to issue such Orders, by which the Intention of the Bill would be defeated; therefore he would propose, that after these Words, *The Secretary at War for the Time being*, the following Words should be added, *Or such other Person to whom it shall belong*. Which Amendment was agreed to without any Debate.

Then a Motion was made for leaving out the second enacting Clause, and consequently these Words in the first Clause, *viz. And every such Regiment, Troop or Company, or other Number of Soldiers, as aforesaid, shall upon the Receipt of such Orders accordingly march*.

This occasion'd a strenuous Debate, in which the Argument for the Motion was in Substance as follows, *viz.*

My Lords,

BY a Bill which we have this Session passed into a Law, I mean the Bill against Mutiny and Desertion, and the Articles of War which are settled and signed by his Majesty in Consequence of that Bill, we know that every Officer is obliged, under very high Penalties, to obey all such Orders as he shall receive from his Majesty's Secretary at War, or any Person acting as such: Therefore I must think it very unnecessary to lay the Officers under any new Obligation for giving Obedience to those Orders that are by this Bill to be sent them from the Secretary at War, with Respect to their removing from any Place where an Election is to be. For this Reason, I am of Opinion, that the second enacting Clause of this Bill, which is next to be read to your Lordships, ought to be entirely left out, and instead thereof a Clause inserted for laying Penalties upon the Secretary at War, or other Person acting as such, who shall refuse or neglect to issue Orders, as directed by this Act; and if your Lordships agree with me in this Opinion, you must of Course leave out of the Clause now read to you these Words, to wit, *And every such Regiment, Troop*

*Troop or Company, or other Number of Soldiers, as afore-
said, shall, upon the Receipt of such Orders, accordingly
march.*

If an Officer, should disobey the Orders sent him upon any such Occasion by the Secretary at War, he might be try'd by a Court Martial, and subjected to the Punishment of Mutiny, which is a much more severe Punishment than any I believe your Lordships intend to inflict by this Bill ; therefore it is very unnecessary, nay it would even seem a little ridiculous, to make a new Law for inflicting a Punishment less severe than that which is inflicted by a Law we have already passed this Session of Parliament ; and it would be a great Hardship upon Officers, to subject them to so many different Sorts of Trials for one and the same Crime : Besides, the Regulation, as it stands at present in the Bill, might be attended with very great Inconveniencies ; for if every Officer were laid under an absolute Necessity, not only to remove out of the Town, but not to return to it upon any Account during the Time of an Election, it would be impossible for the Civil Power to have the Assistance of the Troops in Case any great Tumult or Riot should happen at an Election : Nay, the Enemies of the Government might take the Opportunity of an Election of a new Parliament, to assemble and form themselves into great Bodies, at those Places where they knew the Troops could not come to disturb them ; by which Means they might be enabled to begin a general Insurrection, and might come to a very great Head, before his Majesty could make any Use of those Troops which are given him by Parliament for preserving the Tranquility of the Kingdom : Even our Enemies abroad might take Occasion to invade us, and to land their Troops at some of our Towns upon the Sea Coast, during the Time of an Election, when, if this Bill, as it now stands, should pass into a Law, none of his Majesty's Troops could come within two Miles of the Place, to dispute or prevent their Landing.

These Considerations convince me, that no one of your Lordships will be for allowing this Clause to stand as it is in the Bill, without making some conditional Provision or Exception ; and I cannot comprehend how any such can be made, without subjecting the Nation to greater Dangers than those we propose by this Bill to avoid ; for if we make an Exception, that the Troops shall leave the Town, and shall not return, unless some great

great Danger happens, or is to be apprehended; we must give a Power to some Person or other to judge when that Condition exists, and where to lodge this Power does not to me seem easy to determine: To lodge such a discretionary Power in the Returning Officer, or in any other Magistrate of a little Borough, would certainly be of the most dangerous Consequence to the Freedom of Elections; and it would be as dangerous to lodge it by an express Law in the Breast of the returning Officer. Thus, to make this Restraint absolute, may embroil the Nation in Civil Wars, and to make it conditional, may endanger the Freedom of our Elections; for which I must think it much better to lay the Officers under no Restraint or Obligation, but that which they are now under by the Martial Law, and the Mutiny Bill we have already passed: By them the Officers will always be obliged to obey the Orders they receive from the Secretary at War, unless some very sudden and unforeseen Accident makes it absolutely necessary for them to act otherwise; and in acting otherwise, they will always be extremely cautious, because, if they are not able to make the Necessity clearly appear, they will thereby subject themselves to the Laws against Mutiny.

I know, my Lords, it may be said, that as Trials by Courts Martial are very much under the Direction of the Crown; though an Officer should, on Occasion of an Election, disobey the Orders he had received from the Secretary at War, it would be in the Option of the Crown, or the Ministers of the Crown, whether or no he should be try'd before a Court Martial for such Disobedience; and consequently that some Officers would be ready to disobey them, as often as they knew that the Orders were sent only in Obedience to the Law, but that it was not intended or expected they should obey them; but it is certain, that no Officer would venture to disobey such Orders without private Instructions in Writing, under the Hand of some superior Minister; and to suppose that any Minister would venture to give such Instructions under his Hand in Writing, or that many Officers would observe such private Instructions, are Suppositions which, in my Opinion, there is not the least Ground to make; nay, I think it is almost impossible for us to make any such, if we consider, that if any Officer should behave in such an illegal Manner, or if any such private Instructions should ever be divulged, a Complaint would certainly be made in Parliament

against such Officer or such Minister, and both might expect the highest Punishment the Parliament could inflict.

But, my Lords, suppose that an Officer could, in such Case, hope to evade all Punishment before a Court Martial, or in Parliament, yet even as the Law stands at present, he could not hope to evade all Manner of Punishment; for if any Officer should remain in, or return to any Town during the Time of an Election, and should make Use of the Troops under his Command for over-awing the Election, he might be indicted even at Common Law, upon the Statute of *Edward I.* called *Westminster the First*; by the 5th Chapter of which it is declared, That no Man shall by Force of Arms, by Malice or by Menaces, disturb the Freedom of any Election, under the Pain of grievous Fine and Imprisonment; which is so severe a Punishment, that it is not to be supposed any Officer would subject himself to it at the Desire of any Minister, especially if such Officer were a Gentleman of Fortune and Figure in his Country, as most of our Officers are at present, and I hope always will be.

I hope, my Lords, I have now clearly shewn, that there is no Necessity for laying the Officers of the Army under any of the Restraints or Penalties proposed by this Bill; because they are already under as great Restraints and Penalties as can be supposed necessary for preventing their attempting to over-awe any Election, either by staying in, or returning to the Place where there is an Election, or by making Use of the Troops under their Command, for disturbing the Freedom of the Election; and as it must be granted, that the Restraints proposed by this Bill would expose us to great Dangers and Inconveniencies, therefore I doubt not but your Lordships will agree to the Amendment I shall propose upon reading the next Clause, and for this Reason I shall agree to leave out those Words which I have proposed to be left out of the Clause now before you.

It was answer'd to the Effect as follows:

My Lords,

BY the Amendment now offer'd, the Intention of the present Bill, and indeed of all such Bills, seems to be very much misunderstood; for it is certain, that all Bills of the same Nature with that now before us, are designed

designed as Limitations and Restrictions upon the Power of the Crown, or rather upon the Power of Ministers acting under the Crown. During his present Majesty's Reign we are certain, that no Encroachments will be made upon the Freedom of Elections by Means of the Army, or by any other Means; but this ought not to prevent our making such Regulations, as may appear necessary for preventing such Encroachments in any future Reign; and as it has always been supposed, that Troops quarter'd or remaining in any Town, during the Time of an Election, might be some Sort of Encroachment upon the Freedom of that Election; therefore, ever since we had any such Thing as a Standing Army in this Island, the Ministers of the Crown have thought themselves, in common Prudence, obliged to order the Troops to remove from every Town where there happened to be an Election, and not return to that Town 'till the Election was quite over. This has hitherto been left to the Prudence and Discretion of the Ministers for the Time being, and the Reason of doing so was, that we have never yet been certain that a Standing Army would be kept up for any succeeding Year; but now that we have continu'd a numerous Standing Army for so many Years, and are like to continue it for Years to come, it was thought proper not to leave that to the Prudence of Ministers, which might, in some future Reign, be made Use of for the overturning of our Constitution; and therefore this House agreed to the Motion which was made, for ordering the Judges to bring in the Bill now before us: For this Reason I must think, that it was the Opinion of this House, that we ought, by an express Law, to put it out of the Power of any future Administration, to neglect doing that which all former Administrations have, in Regard to our Constitution, thought themselves, in common Prudence, obliged to do.

This, my Lords, was certainly your Opinion, when you agreed to the Order for bringing in this Bill; but from this Opinion we must now depart, or we must disagree with the noble Duke in the Amendment which he has been pleased to offer; for if your Lordships design by a new Law, to lay a Restriction or Limitation on the Ministers of the Crown, the Execution of that Law is not surely to be intrusted with those upon whom that Restriction or Limitation is designed to be laid; which would be the Case if the Motion now made to us should

be agreed to. 'Tis true, the Officers of the Army are, by the Mutiny Bill, and the Articles of War, obliged to obey such Orders as they may from Time to Time receive from his Majesty's Secretary at War, and in Case of Disobedience, they are subjected to very great Punishments; but for this Disobedience they are to be try'd by a Court Martial; and whether any such Court shall be appointed, or whether any such Officer shall be try'd before such Court when appointed, is entirely in the Power of the Crown, or more properly of the Ministers acting under the Crown, who are the very Persons whose Power was designed to be limited when this Bill was proposed. Can we then suppose, my Lords, that an Officer who disobeyed such Orders at the Desire of a Chief Minister, would ever be brought before a Court Martial, or try'd for such Disobedience? Your Lordships cannot surely suppose any such Thing; and therefore you cannot, in my Opinion, agree to the Amendment now proposed, unless you have departed from the Design you had when the Order for bringing in this Bill was agreed to.

But further, my Lords, let us consider who are the Judges of every Court Martial; they are the Officers of the Army, Judges whose Commissions depend absolutely upon the Pleasure of the Crown; and shall we leave any Thing relating to the Freedom of Elections, upon which the Preservation of our Constitution so much depends, to be try'd only before such Judges? The noble Duke has told us, that an Officer may, on any sudden and unforeseen Emergency, disobey or act contrary to the Orders he receives from the Secretary at War; and is it not to be presumed, that a Court Martial, composed of such Judges, will admit of any Emergency as a sufficient Excuse for disobeying such Orders, when they know that such Disobedience proceeded from private Instructions given by a principal Minister of State? Surely we have not yet forgot what was one of the principal Grievances complained of before the Revolution, what was one of the first Things redressed by the Revolution: The general Complaint was, and it was a Complaint but too well grounded, that the Judges Commissions were all during Pleasure; and therefore they were too apt to follow the Directions they received from the Crown in any Affair, where the Ministers thought fit to give such Directions: Have not we then good Reason to be afraid that the Judges upon a Court Martial may, in future Times, do as other Judges during Pleasure have done in Times past?

And

And shall we leave an Encroachment upon the Freedom of our Elections to be punished only by such Judges? Your Lordships did not certainly intend any such Thing, when you gave Orders for drawing up the Bill now before us, and therefore the learned Judges have very wisely drawn it up in such a Manner as to subject the Disobedience of an Officer, in the Case now before us, to a Trial at Common Law, which is the only Method by which the Bill can be made effectual.

That the subjecting an Officer to several Sorts of Trials for the same Crime, would be a Hardship upon the Officers of the Army, cannot be an Argument of any Weight, when we consider that the Preservation of our Constitution is in the other Scale: It has, in many Cases, been thought necessary to subject the Gentlemen of the Army to be try'd by the Common Law, as well as by a Court Martial: Even by the Mutiny Bill itself, if any Officer or Soldier shall take Quarters against Law, or shall disturb his Quarters, he is made liable to be try'd by the Quarter Sessions; and if upon such Trial he be found guilty, if an Officer he is to be immediately cashier'd: And I hope your Lordships will think, that an Officer's disturbing the Freedom of an Election, is an Affair of greater Consequence than that of disturbing his Quarters, and that therefore, you will not think it a Hardship to subject him to a Trial at Common Law, in the one Case as well as the other.

As to the Dangers and Inconveniencies to which it is pretended we may be exposed, by laying Officers under an absolute Necessity of removing from any Place where there is to be an Election, and not returning 'till that Election be over, they are founded upon Suppositions, I am sure much more unreasonable than that of supposing that some Minister may hereafter do what he ought not to do: For to suppose that any such Number of Men can meet at any Election, as may endanger the Government, to suppose that all those Men are such as will risk their Lives and their Fortunes by joining in an Insurrection, to suppose that they are all regularly arm'd and prepared for War, and to suppose that this Concert can be carry'd on without the Government's hearing a Word of it before the Day of Election, is carrying Suppositions, I must say, a great Length, and endeavouring to persuade us to leave ourselves exposed to real Dangers, by frightening us with those which are altogether imaginary. Then with respect to Invasions; to suppose that an Invasion
may

may be made, and the Troops landed just at the Time and at the very Place where an Election happens to be carrying on, we must first suppose, that an Express has gone over to let the Enemy know the Day appointed for the Election; that after their receiving this Account, they embark their Troops, sail, and meet with such a favourable Wind, as to bring them directly to the Place where the Election is, on the very Day it begins, or within a few Days after; and to suppose that all this may be done in such a short Time as what usually intervenes between the appointing of the Day of Election, and that Day's coming on, is really carrying Suppositions to a most extravagant Length. But if these were Suppositions that could be made, they would be of no Weight in the present Debate; for it is in all Cases a certain Maxim, that *Inter Arma silent Leges*: Upon any such Occasion, the Troops not only might but ought to march into the Town where an Insurrection or Invasion happens, notwithstanding its being at the Time of an Election, notwithstanding the Law now proposed, and notwithstanding any Law that is or can be made: In Times of such Danger, Men are always indemnified for what they may be obliged to do against the Letter of the Law, and a particular Act of Parliament for that Purpose, has always been passed as soon as the Danger was over.

As for any little Riots or Tumults that may happen at the Time of an Election, I cannot see, my Lords, why there is any more Danger to be apprehended from them now than there was formerly, when we had no such Thing as regular Troops, either to prevent their happening, or to quell them when they did happen. In former Times the Civil Power was always found sufficient for preventing Riots, or for quelling them, and punishing the Authors of them; and considering the severe Law against Riots, which was lately made, and is still in Force, I am sure it cannot be said that the Civil Power is now less sufficient for that Purpose than it was formerly. Besides, we all know, that a Riot or Tumult at an Election, makes it a void Election; therefore it is always the Business of those who have the strongest Party, to endeavour to prevent all such; and indeed, there is seldom or ever any great Riot happens, but what is occasioned by those who have a Mind to make the Election void, or by the Magistrates who preside at the Election, doing some signal Injustice to the Electors; but supposing that there may happen now and then a few broken
Heads,

Heads, or bloody Noses at an Election, are we, on that Account, to have all our Elections carry'd on under the Terror and Influence of a Regiment of Soldiers? Or are we to give them a Pretence to be present at all our Elections, to give every little Magistrate, or perhaps a Custom-house Officer, a Power to call them in when he has a Mind?

Even the noble Lords who have spoke for the Amendment, seem to think it dangerous to give by Law to any Returning Officer, or Magistrate of a little Borough, a Power to call in the Troops during the Time of an Election, whenever he pleases; and they likewise seem to think it dangerous to give, by Law, a Power to the Officers themselves to remain in, or return to the Place where the Election happens to be, whenever they think it necessary; yet by the Amendment they propose, the Commanding Officer for the Time is to be vested with this very Power: The Secretary at War, indeed, is to be obliged to send his Orders for the Troops to remove; but, as the noble Lords themselves have explained it, the Commanding Officer may disobey these Orders, in Case of any sudden and unforeseen Emergency, without running any Risk of being try'd or punish'd by a Court Martial for such Disobedience; and we may depend on it, that such Emergencies will never be wanting, when a prime Minister has a Mind that the Troops should remain in, or return to the Place where an Election is carrying on: Nay, it will always be in the Power of any Returning Officer, or Magistrate of a little Borough, or of any Custom-house or Excise Officer, to furnish the Commanding Officer of the Troops with such an Emergency; for we know that the Troops have always a general Order to be assisting to the Civil Power, and likewise to all Officers of the Revenue; and therefore the Returning Officer may at all Times pretend that he is apprehensive of a Tumult, and may demand the Assistance of the Troops, or a Custom-house or Excise Officer may demand their Assistance in seizing or searching for smuggled Goods; and this will be a sudden and unforeseen Emergency, that will always excuse the Commanding Officer of the Troops for disobeying the Orders he receives from the Secretary at War, when any prime Minister but insinuates, that such Excuse should be admitted of by the Court Martial, in Case the Officer should ever be brought to a Trial for any such Disobedience.

I am

I am really surpris'd, my Lords, to find those who are so apprehensive of Insurrections and Invasions, and so very apt to suppose Dangers from thence arising, at the same Time shewing themselves so very little apprehensive of the Designs of future Ministers, and so unwilling to suppose, that the Constitution of this Kingdom, and the Liberties of the People, can ever be in any Danger from such Designs. I am sure there is nothing more natural than to suppose, that we may have in some future Reign, an ambitious, rapacious, or wicked Minister, and as the Safety of such a Minister can consist in nothing so much as in destroying the Freedom of our Elections, we must necessarily suppose, that he will leave no Stone unturned for accomplishing that wicked Purpose; therefore we must likewise necessarily suppose, that he will send such private Instructions, as have been mention'd, to the Commanding Officers of the Troops, in all Places where he cannot influence the Election by any other illegal Means; and as such a Minister may probably have the sole Management of his Master, it is well known what Lengths some Officers may go, rather than risk their Commissions by disobeying his private Commands, or in order to recommend themselves to his Favour for Preferment: Such an illegal Obedience to Ministerial Instructions is not, indeed, to be apprehended from the present Officers of our Army; but they are not immortal, and we do not, we cannot know by what Sort of Men they may be succeeded; therefore I think it is absolutely inconsistent with the Preservation of our Constitution, to leave those Officers, who may hereafter encroach upon the Freedom of our Elections, to be try'd only by those who may be guilty of the same Crime, and at the sole Pleasure of those whose Interest it may be, whose Safety may depend upon it, either not to try them at all, or to try them only in order to acquit them.

A Prosecution in Parliament is not to be apprehended, either by Officers or Ministers, when by such illegal Means they have got a Parliament to their own Liking; and as to Officers being subject to a Trial at Common Law, upon the Statute of *Edward I.* I must observe, that if an Officer or any other should commit a Breach of the Peace, by openly endeavouring to over-awe an Election, or by openly intimidating any Returning Officer or Elector, he might be indicted, try'd, and punish'd at Common Law upon that Statute; but no Officer or Soldier can be indicted, try'd, and punish'd at Common

Law,

Law, by Virtue of that or any other Statute, for not removing from the Place, or for returning to the Place where an Election is carrying on ; and the Design of this Bill is, at least I always took the Design of this Bill to be, to prevent the Officers or Soldiers being present in any Town or Place upon any such Occasion ; for if they are allowed to be present, they may fall upon twenty Ways to influence, and even to over-awe the Election, without its being possible to prove any Overt-Act against them, so as to indict them at Common Law upon the Statute of *Edward I.*

This, my Lords, was what made the Bill now before us necessary ; the Design of the Motion was, and when your Lordships agreed to that Motion I must think your Design was, to make it criminal in any Officer or Soldier to be present in any Place during the Time of an Election, unless he was there as an Elector ; but if your Lordships agree to the Amendment now proposed, you alter the whole Intention of the Bill ; you make it, indeed, criminal in the Secretary at War not to issue such Orders as are directed by the Bill ; but you do not make it criminal in an Officer or Soldier to be present in any Place during the Time of an Election, at least, you do not make it a Crime for which he may be try'd at Common Law : Nay, in my Opinion, it will not be so criminal after the passing of this Bill, as it was before ; for before the bringing in of this Bill, an Officer did not know but that he might be brought to a Trial at Common Law, if he remained in any Town, or returned to it during the Time of Election ; whereas hereafter, if he remains in the Town, if he brings his Regiment, Troop, or Company, to the very Place of Election, and plants Centuries to attend the Poll-Books, he knows how he is to be try'd ; he is to be try'd by his Brother Officers in a Court Martial, and I don't know but their Sentence may be pleaded in Bar to any future Indictment brought against him upon the Statute of *Edward I.* for what Interpretations may hereafter be put upon this Law, cannot now be so easily determined : And therefore I hope your Lordships will pass the Bill in the same Shape the learned Judges have brought it in, unless some more convincing Reasons than any I have yet heard, should be given for turning it into a Shape very different from that in which it is at present.

To which it was reply'd :

My Lords,

WHAT was the Design of other Lords, when they moved for, or agreed to the Order for bringing in this Bill, I shall not pretend to determine ; but all I thought was intended, either by the Motion or Order, was to lay Ministers in Time to come, under a legal Obligation of doing that which Ministers in Time past have always done without any Obligation, but what arose from the great Regard they have always shewn to the Freedom of our Elections. From this Regard, Care has always hitherto been taken, when there was to be an Election at a Place where any Troops were quarter'd, to send Orders for the Troops to remove to some other Place during the Time of the Election ; and all that I expected was to be done by the Law proposed was, to enact, that such Orders should always be sent upon every future Occasion. This was my only Design when I agreed to the Order for bringing in this Bill, and this Design would be fully accomplish'd by this Bill, when amended as has been proposed. I never, indeed, once imagined that the Officers and Soldiers should be absolutely banished from such Place during the Time of an Election ; I could not imagine that it was to be made highly criminal in any Officer to appear as a private Gentleman in any such Place, in order to visit his Friends in the Town, or to drink a Glass with any Gentleman of his Acquaintance, who might, perhaps, come into Town upon that Occasion ; and I must think that the passing of such a Law would really be doing them a very great Injury, it would be treating them as Enemies, not as Subjects ; whereas, while our Army continues upon its present Footing, I think both the Officers and Soldiers ought to be look'd on, not only as Subjects, but as Subjects as much concern'd as any other in the Preservation of our Constitution, and of the Freedom of our Election.

I was likewise, my Lords, far from supposing, or ever designing, that it should by Law be put absolutely out of the Power of the Troops to remain in the Town, or to return to the Town where an Election happened to be, even in a Case of the utmost Necessity and Danger ; for though I do not think we need be at present under any very great Apprehensions of Insurrections or Invasions,

yet I think we ought not to pass a Law which may tend directly to encourage them: It cannot, 'tis true, be supposed that any such great Number of Men can meet at any one Place of Election as may endanger the Government; but such a great Number may meet in a few Days at the Place of an Election, and may form themselves into such a regular Body, if they have but two or three Days Time for that Purpose, as to put it out of the Power of the Troops in that Neighbourhood to disperse them, nay, as to oblige the Troops in that Neighbourhood to march off and leave them, by which Means two or three such Bodies of Men, form'd at different Places in the Time of a general Election, may be able to join together, and thereby form such a Body as might endanger the Government: Then, as to Invasions, the very Day of an Election at any of our Sea-port Towns cannot, indeed, be known 'till after it is appointed; but after the Writs are issued for a new Parliament, the Days of Election may be nearly guess'd at, and a foreign Enemy, by good Intelligence, might very easily take their Measures, so as to come to land at some of our Sea-port Towns on the very Day of Election; upon such an Emergency, the Officer would certainly be excused if he marched his Troops into Town, in Order to attack them; but 'till they began to land, he would not venture the Breach of such a severe Law; and after their having begun to land, it would be too late for him to march from the Quarters assigned him during the Time of Election, which might probably be at three or four Miles Distance from that Town.

With Respect to Tumults and Riots, the Reason of the severe Law against them is very well known, and may be remember'd by several of your Lordships: At that Time, even with the Assistance of the regular Troops, the Civil Power was seldom or ever able to quell the Riots and Tumults that happen'd, 'till after they had done much Mischief; and if the regular Troops were quite out of the Case, I am convinced we should at many Elections have such Tumults as could not be soon quell'd by the Civil Power, tho' now arm'd with a severe Law; for your Lordships must consider, that such Tumults or Riots are seldom made by those who have a Right to vote at any Election; and it often happens, that those Candidates who have the Majority of the Mob on their Side, have the Majority of legal Voters against them, at all which Places, it is probable we should have

dangerous and very mischievous Tumults, if the Mob were assured that the regular Troops could not be brought against them : They would very much despise the Proclamation against Riots, if they knew that there was no armed Force sufficient for putting the Law in Execution, after that Proclamation was read.

As it might be of the most dangerous Consequence, by an express Law, to lay an absolute and a peremptory Obligation upon the Troops, not to remain in or return to any Town during the Time of an Election, notwithstanding the greatest Necessity and Danger, so it might be of the greatest Consequence, by an express Law, to give a Power to the Troops to remain in or return to such a Town, whenever they thought there was any Necessity for their so doing ; but I hope your Lordships will consider, that there is a very great Difference between a Power given by Act of Parliament, and that Power which arises from the immediate Necessity a Man is under : In the first Case the Prosecutor must shew, that the Person prosecuted exceeded the Power given him by Law, which in many Cases could not be so easily done ; in the last, the Person prosecuted will certainly be condemned, unless he can shew, to the Satisfaction of the Court, the Necessity he was under : Thus, by the Amendment now proposed, the Secretary at War is to be obliged to send his Orders to the Troops to remove ; and by another Law passed this Session, the Troops are obliged, under very severe Penalties, to obey those Orders ; nothing then can excuse their Disobedience, but some very unforeseen and dangerous Emergency ; and that Emergency must be made appear to the Court by the Officers who are guilty of such Disobedience.

I am as sensible, my Lords, and as much apprehensive of the Dangers to which we may be exposed by the Designs of wicked Ministers, as any Lord in this House, and shall always be for using all proper Precautions against the Designs of such. For this Reason I agreed to the bringing in of this Bill ; and as I am of Opinion that the Amendment now offer'd, will not derogate in the least from its Efficacy against such Designs, therefore I can make no Difficulty in agreeing to it ; for by the Bill, when amended as proposed, it will be impossible for any Minister to encroach upon the Freedom of our Elections by Means of the Army, unless we suppose all the Officers of our Army so abandon'd, as to sacrifice their Honour, their Conscience, and their Country, to the Favour

Favour of a Minister, which is a Supposition I am sure we have no Ground to make from past Experience: As the Officers of our Army must always be Subjects of *Great Britain*, we cannot suppose such a general Depravity of Manners among them, without supposing the same Depravity among all other Ranks of Men in this Kingdom, and against such a Depravity it is impossible to provide: Ministers will always have it in their Power to bestow Preferments and Rewards upon Judges at Common Law, as well as upon Officers of the Army; and in Case of such a general Depravity, we must suppose the former infected with it as well as the latter; in which Case, the Freedom of our Elections would be no better secured, by subjecting the Officers to a Trial at Common Law, than by subjecting them to a Trial before a Court Martial.

'Tis true, my Lords, it has always been thought improper to have regular Troops in any Place where an Election is carrying on, and in this general Opinion I readily join: I do not think it is proper, but I cannot think it quite so dangerous as it has in this Debate been represented; for really I cannot well form to myself an Idea of any Practices that either Officer or Soldier could be guilty of for over-awing or incroaching upon the Freedom of an Election, without exposing themselves to an Indictment upon the Statute of *Edw. 1.* I am sure, if they threaten'd any Elector, or by Force prevented any Elector from coming to give his Vote, that Elector would be a good Evidence for the King; upon his single Oath a Bill of Indictment would probably be found by the Grand Jury, and I do not know but upon his single Evidence, if corroborated with any Circumstances, they might be found guilty upon the Trial; so that I am apt to believe it would be impossible for the Officers or Soldiers to make Use of any such Practices as would be effectual for over-awing or giving a Turn to an Election, without exposing themselves to a certain Danger, not only of being prosecuted, but of being convicted at Common Law upon the Statute I have mention'd; and therefore, unless we suppose a Minister to have the Direction of our Courts of Law, as well as of our Courts Martial, I doubt much if he could prevail upon many Officers to join with him in over-awing or encroaching upon the Freedom of our Elections.

That the Bill now before us, or the Amendment proposed, should in the least derogate from the Stat. *Edw. 1.*

is what I cannot apprehend : If an Officer disobeys the Orders of the Secretary at War, and remains in, or returns to any Town during the Time of an Election, he is, for such Disobediencé, to be try'd by a Court Martial ; but for any Encroachment upon the Freedom of an Election, he is not surely to be try'd by a Court Martial ; and therefore no Trial by a Court Martial can ever be pleaded in Bar to an Indjégment upon the Statute *Edw. 1.* By that Statute he may still be try'd at Common Law, if he openly encroaches upon the Freedom of any Election ; and by the Bill now before us, when amended as propos'd, he may be try'd by a Court Martial, and severely punish'd, if he keeps the Troops in the Town, or returns to the Town where an Election is carrying on, without a very immediate Necessity for his so doing : By these two Methods I think the Freedom of our Elections will be sufficiently secured against all Encroachments from our Army, and therefore I shall be for agreeing to the Amendment propos'd.

The Question being then put for agreeing to the Amendment, it was upon Division carry'd in the Affirmative, by 70 to 35.

The Motion for the Amendment was made by the Duke of *N——le*, and was supported by the Earls of *C——ey* and *W——ck*, the Lord *H——ck*, and the Lord Chancellor : It was oppos'd by the Earls of *A——rd*, *A——n*, *A——ea*, *C——ld*, *S——gh*, and *W——ea* ; and the Lords *O——w*, *B——ft*, and *C——r*.

At last the Preamble of the said Bill was read, (the Preamble being always the last Part of the Bill which is read in the Committee upon the Bill) and a Motion was made, that these Words, *viz.* ' To the End therefore that the same may be safely transmitted to Posterity, and for avoiding any Inconveniencies that may arise thereunto from any Regiment, Troop, or Company, or any Number of Soldiers, which shall be quarter'd or billeted within any City, Borough, Town or Place, where any Election of Member or Members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or any of them, shall be appointed to be made,' should be left out ; and that instead of them these Words, *viz.* ' That it hath been the constant Usage and Practice, to cause any Number of Soldiers, quarter'd in any Place appointed for electing Members to serve in Parliament, to remove out of the same during the Time of Election, should be substituted.

Upon

Upon this Motion there was another Debate, in which the Argument for the Motion was in Substance thus, viz.

My Lords,

I Have joined heartily with your Lordships in every Step that has been taken towards the bringing in and passing the Bill now before us, and shall be ready to join in every future Step that may be necessary for compleating so good a Work ; but there is one Consideration that has all along given me a good deal of Concern, and the present I take to be the proper Time for explaining myself to your Lordships, and for offering something to obviate the only Inconvenience that is to be apprehended from the Bill as it now stands. It is an Opinion that almost universally prevails without Doors, that no Bill of this Nature is ever brought into Parliament, much less passed into a Law, but for remedying some Grievance that has been felt and complained of. 'Tis true, your Lordships may, and do often, from your Prudence and Foresight, order Bills to be brought in, and pass Laws for the preventing of Grievances in Time to come, though no such Grievance has before been felt or complained of ; but those who are not acquainted with the Motives which may have induced you to bring in or pass any such Bill, are always more apt to impute it to your Experience in Times past, than to your Precaution in Time to come : This Consideration has all along given me great Concern ; I am afraid that evil-minded People may, from our passing of this Bill, take Occasion to throw unjust Reflections upon his Majesty's Government, as if some Use had lately been made of the Troops for over-awing or encroaching upon the Freedom of Elections ; and as there is still a Party in the Kingdom disaffected to his Majesty and his Family, it is not to be doubted but that they will make Use of this Handle, for sowing Jealousies and Fears among his Majesty's best Subjects.

This Consideration, my Lords, weighty as it is, ought not to prevent our passing so good a Bill ; but I think we ought to take all possible Precautions to prevent such a fatal Consequence ; and this, I think can only be done by leaving out some of the Words in the Preamble, and inserting others in their Stead, as I shall immediately propose. Your Lordships all know, that the bringing in of this Bill was not occasioned by a Complaint against any Use that has lately been made of the regular Troops

you

your Lordships must be all sensible that his Majesty's Wisdom and Goodness is such, that he would by no Means permit any of his Troops to be made Use of for over-awing or encroaching upon the Freedom of any Election; and therefore, to satisfy the People, and to prevent his Majesty's Enemies from getting any Pretence for throwing Reproaches upon his Government, I hope your Lordships will agree to this Amendment in the Preamble, that these Words, *To, &c.* (moved as before-mentioned) .

The Answer was to this Effect :

My Lords,

AS I have as firm an Attachment to his Majesty and the present happy Establishment as any Man in the Kingdom; I can never hear his Majesty's Name or his Government brought into any Debate, without the utmost Concern; and it has of late become so customary to bring the Sacred Name of the King into every Debate, that I wish there were some Order or some Regulation made for preventing the Practice in Time to come. Shall we never find Fault with any Measure taken by Ministers? Shall we never propose any Regulation for preserving our Liberties against any future wicked Administration, but we must be told, it will reflect upon his Majesty and his Government? We are upon all Occasions to distinguish between the King and his Ministers, between the King's Government and the Ministers Administration. His Majesty and his Government are so Sacred, they can never be the Subject of any of our Debates, and therefore ought never to be mentioned; but the Ministers and their Administration may often deserve our most severe Animadversions: This Distinction, is not only known in this House, but is known to all the People in the Kingdom; and therefore, whatever Surmises may be raised, whether just or unjust, they can never affect his Majesty or his Government, because if any Thing has actually been done which ought not to be done, every Man must suppose it was done without his Majesty's Knowledge, and will never meet with his Approbation.

With Regard to his Majesty then, or his Government, your Lordships have no manner of Reason to be under any Concern about the Consequences of this Bill, or to alter or add any Words for preventing any Consequences it can be attended with. As to the Ministers Administration,

stration, indeed, I do not know but this Bill may occasion some Surmises that may affect them, and it is impossible to prevent such ; for the very bringing in of this Bill will certainly give Ground to suppose that some irregular Use has lately been made of the Troops with respect to Elections. I shall agree with the noble Lords of the other Side of the Question in this, that it is the general Opinion that such Bills are seldom brought in, but for remedying some Grievance that has been felt ; nay, I'll go farther, I believe there is a great deal of Reason for such an Opinion ; for it is very well known, that when any Bill is offered for preventing a Grievance, one of the most powerful Arguments made Use of against it by a certain Sort of Men, who always oppose such Bills, is, that such a Grievance was never yet complained of, therefore why should you apprehend it, or make any Provision against it ? And this Argument is generally found to be of such Weight, that People seldom venture to bring in or propose any Bill for preventing a Grievance, 'till after it has been severely felt, and generally as well as loudly complain'd of. As this is generally the Case, I do not now see how it is possible to prevent such Surmises against the Administration ; and what is now proposed to be inserted by the noble Duke will, I am afraid, add Credit to such Surmises ; for the Words he proposes to insert will certainly be taken by the Generality of People without Doors as inserted by the Ministers, by Way of Vindication, and I remember an old Saying, which upon this Occasion I must beg Leave to repeat ; *Nescio quid mali secum fert Expurgatio.*

For this Reason, my Lords, the Words proposed to be inserted can, in my Opinion, no Way contribute to the Vindication of the Ministry ; and as they seem to imply a Compliment, not to his Majesty's Government, but to the Minister's Administration, I think it below the Dignity of this House to pass any such Compliments, I think it inconsistent with the Honour of this House, to pass any such Compliment when we do not know whether it be true or not ; for as we have made no Enquiry, as not the least Proof has been laid before us, we cannot, as Members of this House, declare that it has been the Practice to cause the Soldiers quarter'd in any Place, appointed for electing Members to serve in Parliament, to remove out of the same during the Time of Election. Nay, I am sure we cannot with any Justice say it has been the constant Practice, because it has been lately

N n

affirmed

affirmed in this House by Persons of great Authority, and not contradicted, that it has not been the constant Practice; and therefore I hope even the noble Duke himself will agree to leave the Word *constant* out of the Amendment he proposes.

But now, my Lords, I come to the Words proposed to be left out, and there, indeed, we have Reason to apprehend Surmises, Surmises of the most terrible Nature, because they will not only affect the Administration but the Honour of this House; when the People hear that a Bill was brought in by the learned Judges, for transmitting safely to our Posterity those Rights and Privileges we received from our Ancestors, by preventing the Influence of Officers and Soldiers in our Elections; and when they hear that we first struck out the Clause for subjecting Officers and Soldiers to a Trial at Common-Law, and then struck out those sacred Words in the Preamble, will they not naturally surmise, that we struck that Clause out of the Bill, and those Words out of the Preamble, on Purpose that those Rights and Privileges which we receiv'd from our Ancestors, might not be transmitted safely to our Posterity? Will it not be surmised, that the Necessity for such a Bill was evident, but that, notwithstanding the passing of some Sort of Bill, a Majority of this House had taken Care to leave out all those Words and Clauses, which the learned Judges had thought necessary for making it effectual? These are Surmises, my Lords, we ought highly to regard; and considering the solemn Manner in which the Bill was brought in, considering the Character of those who prepared it, considering the Importance of the Affair it relates to, we have great Reason to apprehend that there will be such Surmises.

The inserting of these Words at the End of the Preamble, shews the Care and Concern the learned Judges have for the Preservation of our Constitution, and look something like the Invocations which, upon all Occasions, the ancient Heathens made Use of towards their Gods; so that there really seems to be something sacred in them; and I cannot but look upon it as a Sort of Devotion, when I argue against turning such sacred Words out of the Preamble of this Bill: These Words are no Way inconsistent with the Compliment proposed to be inserted; so that if your Lordships should agree to make this Compliment, you may nevertheless leave the other Words standing as they are: I cannot really form to my self

self the least Reason for expunging them, unless it be to suppose, that you are afraid of giving the People too high a Notion of their Rights and Privileges, and too warm an Affection for them, which is an Apprehension I am sure none of your Lordships can entertain ; and therefore I hope the noble Duke will either drop his Motion wholly, or at least the first Part of it : But if he insists upon the whole, it ought certainly to be separated, because some Lords may be for inserting the Words proposed to be inserted, and against leaving out the Words proposed to be left out ; and other Lords may, perhaps, be of a quite contrary Opinion.

To this it was reply'd in Substance :

My Lords,

W^Hatever there may be in that Distinction between his Majesty's Government and the Administration of his Ministers, however well it may be understood in this House, I am afraid is not so generally understood without Doors ; and therefore I hope your Lordships will all agree with me in this, that it can be of no Service to his Majesty or to his Government, to raise groundless and false Surmises against the Administration of his Ministers : And as it cannot be said, as there cannot be the least Pretence for saying, that ever any Election was over-awed by the regular Troops ; therefore I think it is absolutely necessary to insert in such a Bill as this, some Words for preventing any such Surmise ; and I must think, that no Words can be invented more proper for that Purpose than those that have been proposed. There may, perhaps, have been one, or a very few late Instances, where the Troops did not remove from the Place of Election as usual ; but if that Affair were enquired into, it would, I believe, appear, there were very sufficient Reasons for their not removing ; such Reasons as, I believe, would convince every Lord of this House, that it would be of the most dangerous Consequence to pass this Bill in the Shape in which it was brought in. However, to avoid any Dispute in this Particular, your Lordships may leave the Word *constant* out of the Amendment that has been offer'd, and then, I hope, that Part of the Amendment will be unanimously agreed to ; for to declare the Truth upon any Occasion, I can never take to be what is properly called a Compliment, nor can I take such a Declaration to be

below the Dignity of this House, especially when necessary for preventing unjust Surmises, which, it must at least be granted, could be of no great Service to his Majesty or his Government.

As to the Words proposed to be left out, I take it to be a general Rule, that no superfluous and unnecessary Words ought to be inserted in any Bill; for the shorter any Law is, it is certainly the better, provided the Meaning and Intention of the Law be fully and clearly expressed; any superfluous and unnecessary Words, inserted either in the Preamble or in any of its Clauses, serve only to confound the true Meaning and Intention of the Law, and to raise Doubts and Difficulties when it comes afterwards to be applied to any particular Case that may occur. Of this Nature I take those Words to be which are now proposed to be left out, I look upon them as altogether unnecessary and superfluous; for the End and Intention of the Bill appears fully and clearly in every Clause of it, and therefore it is very unnecessary to declare in the Preamble for what End it was proposed or passed: This I take to be the true and the only Reason for moving to have those Words left out; and the Reason is so strong and so obvious, that I think it impossible the leaving them out should occasion any unjust Reflections against the Administration, or against the Honour of this House; and as the Reason for inserting the other Words, is as evident as the Reason for leaving these out, I think there is no Occasion for separating the two Parts of the Question, being convinced, that all those who are against the one Part of it, will be against the whole; as on the contrary, all those who are for any one Part, will be for the whole as it now stands.

After this, it being agreed to leave the Word *constant* out of the Amendment, the Question was put upon the Amendment so amended, which, upon a Division, was carry'd in the Affirmative, by 64 to 28.

The Motion for this Amendment was made by the Duke of *N——le*, and supported by the Earls of *Ch——ey* and *C——se*. The Speakers against it were, the Earls of *A——rd*, *A——sea*, and *C——d*, and the Lords *B——st* and *C——r*.

Next Day the Lord *D——r* reported from the Committee of the whole House the Amendments made by them to the said Bill, and the same being read by the Clerk, the Earl of *A——d* moved for recommitting the

the Bill, upon which the Question was put, but upon a Division it was carried in the Negative, by 61 to 33.

Then the first Amendment being read a second Time, which was to leave out the latter Part of the Preamble, and to substitute Words instead thereof, reciting, 'That it hath been the Usage and Practice, to cause any Number of Soldiers, quartered in any Place appointed for electing Members to serve in Parliament, to remove out of the same during the Time of Election,' as before-mentioned.

Which being objected to, after some new Debate, the Question was put, Whether to agree with the Committee in the said Amendments?

It was resolved in the Affirmative, Content 61, Not Content 33.

Dissentient

1. Because we conceive these Words, *To the End therefore that the same may be safely transmitted to Posterity, and for the avoiding any Inconvenience that may arise thereunto from any Regiment, Troop or Company, or any Number of Soldiers, which shall be quartered or billeted within any City, Borough, Town or Place, where any Election of Member or Members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or of any of them shall be appointed to be made,* extremely proper in a Bill calculated to preserve to us and our Posterity the Enjoyment of our Liberties, by securing the Freedom of Elections; besides that, in our Opinion, it seems very extraordinary, to leave out Words that singly intimate our Desire of transmitting to Posterity the Liberties we enjoy ourselves.

2. Because we cannot conceive that there was any Weight in the Argument urged for omitting these Words, viz. That they carried an Imputation, that some Facts had been committed contrary to the Freedom of Elections, which this Bill was to prevent for the future: Whereas, in our Opinion, it is so much the contrary, that we think the leaving out these Words, the natural Importance of which carry no Imputation at all, may possibly be construed as a Consciousness of some irregular Use made of Troops at Elections, which it might be apprehended these Words might point out, especially since Reports of that Nature have of late been spread, whether

ther well grounded or not we do not take upon ourselves to determine.

Denbigh,	Clinton,	Ker,
Chesterfield,	Berkshire,	Bridgwater,
Litchfield,	Craven,	Anglesey,
Bolton,	Huntington,	Gower,
Thanet,	Cobham,	Foley,
Carteret,	Bathurst,	Winchelsea and
Beaufort,	Shaftsbury,	Nottingham,
R. Lincoln,	Boyle,	Haverham.
Coventry,	Montjoy,	

The three next Amendments were read a second Time, and severally agreed to.

Then the fifth Amendment was read a second Time, being to leave out these Words, *viz.* 'And every such Regiment, Troop or Company, or other Number of Soldiers as aforesaid, shall, upon the Receipt of such Orders, march.'

Proposed to agree with the Committee in the said Amendments.

Which being objected to, after Debate the Question was put upon the said Proposition, and it was resolved in the Affirmative.

The next Amendment was read a second Time, and agreed to.

Then the next Amendment was read a second Time, being to leave out the second enacting Clause, which was to inflict Penalties and Punishments on Officers and Soldiers, who should refuse or neglect to remove out of Places at the Time of Elections, and to substitute Words inflicting Punishments on the Secretary at War, in case he neglects to issue Orders for such Removal.

And it being proposed to agree with the Committee in that Amendment,

After some new Debate the Question was put thereupon,

And it was resolved in the Affirmative, *Content* 64. *Not Content* 33.

Dissentient

1. Because we conceive, that the leaving out this Clause is, in Reality, defeating the Effect and Intention of the whole Bill; a Bill thought so necessary by the whole House, that the learned Judges were unanimously ordered to prepare and bring it in, in lieu of a Clause to the same Purpose,

Purpose, offered to be inserted in the annual *Act* to prevent *Mutiny and Desertion*.

2. Because we think it much more necessary, that Officers and Soldiers should be subject to be tried by the Civil Power for an Offence of this high Nature, against the Constitution in general, than for quartering a Man contrary to the Method prescribed by the *Act* to prevent Mutiny and Desertion; for which Crime they are at present liable to be tried and cashiered by the Civil Magistrate.

3. Because we conceive, that this Offence being an Offence of the highest Nature against the Civil Government, is properly cognizable by the Civil Magistrate only, and most improperly reserved to the Determination of a Court Martial. Offences against Military Discipline are justly reserved for the Decision of a Court Martial, as consisting of Persons of the same Profession, and consequently the properest Judges; and, by a Parity of Reasoning, we conceive the Civil Magistrate the fittest Judge of Civil Offences. We cannot therefore but fear, that a Court Martial may consist of Persons who may be at least ignorant, and possibly, hasty and partial Judges of the Merits of an Election.

4. Because the Intention of the Bill being to prevent any Insults from Troops during the Time of Elections, we should provide against all possible Dangers; and tho' during his Majesty's Reign, we apprehend no ill Use will be made of the Troops; yet, in future Time, Ministers may prevail, whose *unpopular and detested Administration* may leave them no Hopes of Security from a *free-elected Parliament*, and reduce them to the violent and illegal Method of employing those Troops, kept up by the Corruption of one Parliament, in the forcible Election or rather Nomination of another: In which Case no Remedy can be hoped for against Officers so offending, since, as the *Act* now stands, they can only be tried by a Court Martial, and a Court Martial can only be appointed by the Crown; and consequently the same wicked Minister, who may hereafter advise such an Attempt upon our Constitution, will not be likely to permit his guilty Agents to suffer, but the Merits of their Crime will carry Impunity along with it.

5. Because we cannot conceive that the Arguments drawn from a Possibility of a Riot at an Election, or of a Rebellion or Invasion during the Time of Election, wherein the Assistance of Military Power may be necessary,

fary, were in any Degree sufficient to induce the House to leave out this Clause; since, in the Case of a Riot, the Civil Magistrate is already armed with a rigorous penal Law, known by the Name of the *Riot-Act*; and in the Case of a Rebellion or Invasion, it is well known, that this and all other Laws would be silent. But, on the other Hand, we apprehend other Inconveniencies may arise, if Troops have Liberty to march into Towns during the Time of Elections, at the Requisition of a partial and corrupted Civil Magistrate, who may call a Majority he dislikes a Tumult, and supply with Force, the Want of Interest of an unknown and unqualified Candidate; by which Means the *Voice of the People* may be drowned in the *Noise of Arms*.

6. Because we apprehend, that a very injurious and dangerous Construction may, by malicious People, (too speciously) be put upon the leaving out of this Clause, that altho' the Unpopularity of rejecting the Bill itself could not be withstood, yet the eluding and enervating the Efficacy of it had been directly brought about: Which Supposition, however groundless, may give great Uneasiness and Apprehension to many of his Majesty's good Subjects, and may bring very great Unpopularity upon the Administration. An Evil! by all possible Means to be prevented; since Hate begets Hate, and an Administration become unpopular, will soon become desperate, and may endeavour to strengthen the crazy and rotten Foundation, by tearing away, for their own Use, the Corner Stones of the *Liberty of the People*.

<i>Chesterfield,</i>	<i>Bridgwater,</i>	<i>Beaufort,</i>
<i>Clinton,</i>	<i>Bolton,</i>	<i>Bathurst,</i>
<i>Ker,</i>	<i>Craven,</i>	<i>R. Lincoln,</i>
<i>Denbigh,</i>	<i>Thanet,</i>	<i>Shaftsbury,</i>
<i>Coventry,</i>	<i>Huntington,</i>	<i>Boyle,</i>
<i>Montjoy,</i>	<i>Carteret,</i>	<i>Winchelsea,</i>
<i>Litchfield,</i>	<i>Cobham,</i>	<i>Haversham,</i>
<i>Berkshire,</i>		

We differ for the above-mentioned Reasons, except the third.

Anglesey, *Gower,* *Foley.*

On Friday the 25th of April, the Bill for granting and continuing the Duties upon Salt, and upon red and white Herrings, for a Term therein mentioned, was read a third Time in the House of Lords, and a Motion being made for

for passing the Bill, the Lord B———^d stood up and spoke to this Effect:

My Lords,

TH^{O'} the Arguments against this Duty, and against the destructive Method of raising Money, were so fully stated and explained when this Duty was last revived, that nothing now can be said upon the Subject; yet, as there are now several Lords in this House who were not here at that Time, I must beg Leave to repeat one of the Arguments then made Use of, and which is, I think, now stronger in several Respects than it was at that Time. Figures, my Lords, are stubborn Things, there is no twisting them into any Shape but that which is natural and right; and some Facts are so evident and so notoriously known that they cannot be denied or controverted. From these, my Lords, it must appear to every Man who understands the common Rules of Addition, that the Nation must in nine Years pay near 800,000 *l.* for the 500,000 *l.* which by this Bill is to be raised for the current Service of the present Year: For as the Sum of 500,000 *l.* is to be immediately borrowed at an Interest of 4 *per Cent.* we must pay the Interest upon that whole Sum, or very near it, for nine Years, which is an additional Sum the Nation must at last pay, amounting to near 180,000 *l.* Then, my Lords, the Expence of raising and collecting this Tax for four Years longer, must likewise be all paid by the Nation, and this will amount to at least 120,000 *l.* more; for according to the lowest Computation, the Expence of collecting this Duty has always been reckoned at 25,000 *l.* *per Ann.* for *England*, and 5000 *l.* *per Ann.* for *Scotland*; this amounts to a yearly Sum of 30,000 *l.* which in four Years amounts, as I have said, to the Sum of 120,000 *l.* Thus, my Lords, from Figures and Facts it is plain, that for the 500,000 *l.* now to be borrowed, the Nation must, in nine Years, pay 500,000 *l.* for Principal, near 180,000 *l.* for Interest, and 120,000 *l.* for Charges in collecting, being in all very near 800,000 *l.*

We have heard it, my Lords, strongly inculcated, both this Session and last, that upon the present Emergency we ought to endeavour to give foreign Powers great Ideas of the Wealth and the Strength of this Nation, and of our Readiness to engage in the War, in Case we should at any Time hereafter find it necessary so to do. This, we have been told, would oblige them to set Bounds to their

O o

ambi.

ambitious Views, and give Ear to those reasonable Terms of Peace which his Majesty was to propose: But when it is spread abroad, that now in a Time of Peace, in a Time of profound Tranquillity, we are borrowing Money at the Rate of 60 *per Cent.* for the current Service of the Year, will any Power on Earth imagine that we have any Wealth or Power left, or that we dare engage in an expensive and dangerous War? Surely, my Lords, we must admit, that there is some Sort of Parallel between the Circumstances of a Nation, and those of a private Man; and I submit it to your Lordships, if you would not look upon a Man in private Life as a Bankrupt, if he should attempt to borrow Money at a Premium of 60 *per Cent.* Therefore I must conclude, that the Powers now engaged in War will, from the very Case now before us, look upon this Nation as Bankrupt, and will reckon us as fit for engaging in a heavy War, as a Bankrupt in private Life would be for commencing an expensive Law-Suit: And whether such an Opinion can contribute towards obliging the Powers engaged in War to set Bounds to any of their ambitious Views, or to give Ear to the reasonable Terms of Peace of which his Majesty is to propose, I leave to your Lordships to judge?

To this no Answer was made, but the Question called for, which being accordingly put, was carried in the Affirmative without a Division.

Immediately after this Bill was passed, the Bill for enabling his Majesty to apply the Sum of one Million out of the Sinking Fund, for the Service of the Year 1735, was (according to Order) read a third Time, and a Motion made for its being passed, which being opposed, there ensued a long Debate, in which the Arguments against the Bill were to this Effect.

My Lords,

I HAVE often heard it made Use of in this House, as an Argument for our agreeing to what was then before us, that it would strengthen his Majesty's Hands, and add to the Credit and Esteem of the Nation among Foreigners. This, my Lords, is an Argument that, when properly applied, will always have great Weight with me, and I think it never was, nor ever can be more properly applied, than against our agreeing to pass this Bill. Hitherto, or at least till within this Year or two, the Credit and the publick Faith of this Nation have always been in great Esteem among Foreigners, because they saw we had not only a Power to

pay off honourably all the Debts we contracted during the last heavy War, but that we had the Wisdom and the Will to do so; and had actually set apart a considerable and a growing Fund for that honest Purpose: This our Friends observed with Pleasure, because from hence they took us to be in a flourishing Condition, and expected we would soon be free of all former Debts, and consequently would soon be in a Condition of giving them the same powerful Assistance we had given them in the last War, in Case they should at any Time be unjustly attacked: This our Enemies looked on with Envy, with Dread, and with Awe, because they saw we were in a Condition to revenge any Insults they should offer, and to give a Check to their ambitious Projects: But the Bill we have just now passed, and the Bill now before us, will quite change the Scene: To see us in the Time of a profound Peace, not only continuing but mortgaging one of the heaviest and most dangerous Taxes under which our People groan; to see us laying violent Hands upon that sacred Fund which has been set apart for the Payment of our Debts, which stands actually mortgaged to the publick Creditors, will make the whole World believe that the Nation is reduced to the lowest Ebb: This will of course transfer the Pleasure from our Friends to our Enemies: The former may, perhaps, pity and bemoan, but the latter will most heartily despise and contemn.

My Lords, when the Sinking Fund first began to be nibbled at, I was afraid of the Consequence, and I foretold what has now come to pass. I foretold, that the next Step would be to apply the Whole to the current Service of the Year, and I am afraid there are some amongst us who already begin to think of making it a Building instead of a Sinking Fund; I am afraid there are some who have already formed a Project of making it a Fund for contracting new Debts, instead of being a Fund for paying off the old; and this I am the more afraid of, because of the new Doctrine we have heard advanced in this House, That the publick Creditors have no Manner of Right in the Sinking Fund, That they have no Title or Right to demand any Thing of the Government but the regular Payment of their Interest. This, my Lords, was to me a Doctrine entirely new, a Doctrine which gave me the utmost Concern, because I looked on it as a Prelude towards the mortgaging of that sacred Fund for bringing a new Debt upon this Nation; and the Application which is to be made of that Fund by the Bill

now before us, I look on as a paving of the Way for that pernicious Project; so that what I am this Day to say upon this Subject, I shall say by way of taking my Leave of that sacred Fund for ever, unless your Lordships Wisdom and Prudence, or some very unexpected Accident, gives me a most agreeable Disappointment.

But I hope your Lordships will now take this Doctrine into your Consideration, and will this Day dismiss it with that Contempt it deserves, in order to prevent the pernicious Consequences with which it is fraught. For my own Part, my Lords, I have always looked upon Bills, upon which any Sums of Money have been borrowed, as Contracts between the publick and the private Persons who lent their Money upon the Credit of such Bills; and when considered as such, it is certain, all the Clauses and Conditions of them ought to be most religiously observed and most punctually fulfilled. In this Light let us consider the Sinking Fund: The Taxes from which that Fund arose were all at first mortgaged to the Creditors of the Publick, every Shilling arising from such Taxes were, by the express Words of the Bills by which those Taxes were first established, mortgaged for Payment of the Principal and Interest, or at least the Interest of what Money was lent upon them; the Laws by which those Mortgages were are still subsisting, they stand as yet unrepealed, they cannot be repealed but by the Consent of those who lent their Money upon them, or by the Consent of those Persons who now stand in the Place of the first Lenders; and while these Laws stand unrepealed, while there is a Shilling due upon any of the Mortgages thereby established, it is a Breach of publick Faith to apply any Part of the Produce of those Taxes to another Use, without Consent of those who have now a Right to the Mortgage. I do not know, indeed, but in this Case the tacit Consent of the publick Creditors may be thought sufficient; but this is not the only Consideration; we ought to consider what is the Interest of the Nation in general, and every Man who considers the general Interest, must conclude, that the sooner we pay off our publick Debts, the less they will cost us in the End, the less Interest we shall pay for them, and the sooner it will be in our Power to free the People from some of those Taxes under which they now so heavily groan.

I have already shewed, my Lords, what a Prejudice the Bill now before us may be to the Credit and Esteem
of

of the Nation abroad ; and as I look upon it as some Sort of Inroad upon that National Faith which is engaged to the Creditors of the Publick by so many solemn Acts of Parliament, I must think it will do a great Injury to our publick Credit at Home, among all Men who seriously reflect and consider the Consequences of Things: These are fatal Consequences, but these, my Lords, are not the most fatal ! The diverting of this sacred Fund, and applying it to the current Service of this Year, is, in my Opinion, one of the greatest Injuries that can be done to his Majesty and his Family: To apply this Fund to current Services, in order to prevent the People's being sensible of any new Expence that has been brought upon them, and to enable the Ministers to provide for that Expence which their Measures have made necessary, without laying any new Tax upon the People, may perhaps be a good temporary Expedient for an Administration ; it may give a Minister an Opportunity to vaunt, that he has relieved the Landed Interest, that he has charged them with but one or two Shillings in the Pound, and by this he may put off the evil Day for the Time of his Administration: But this, my Lords, is ruining his Master, it is an undermining of the Government: Administrations are fleeting Things, Ministers are always changing, a mean temporary Expedient may do for a Minister who has no View beyond the Term of his own Administration ; but his Majesty's Government is permanent, I hope it will endure in him and his Family for ever ; and to make Use of any little temporary Expedient, which may in the End greatly endanger or distress his Majesty's Government, or the Government of any of his Family, is a most imprudent Step ; at present, my Lords, I shall call it by no worse a Name. The Bill now before us I must look on as such an Expedient ; it is nothing but a temporary Expedient for concealing from the People the Expence which the Nation is to be put to for this ensuing Year: In a few Years the People, who are now eased by this Expedient, will all be gone, in a short Time few or none of them will be alive, to express their Gratitude for the Ease they now meet with ; and as the Ease given to the present Generation will fall with double Weight upon Posterity ; they must necessarily groan heavily under the Burden, they will have Reason to complain, they will have Reason to murmur, and most of them may, from
that

that only Cause, become disaffected to his Majesty and his Family.

If we have any Respect, my Lords, if we have any Regard for the illustrious Family now upon the Throne, this Consideration ought to make us tremble; when we hear any such Expedient mentioned as that now before us: But there is still another Consideration which ought to have great Weight: If we have a Mind ever to be free of that Load of Debt the Nation at present labours under, particular Care ought to be taken to make a proper Application of the Sinking Fund during all Times of Peace; for if this Nation should happen to be engaged in a War, we cannot suppose that the Sinking Fund will amount to near so much as it does at present, I am indeed afraid it would, upon such an Emergency, almost entirely vanish; and this ought to be particularly taken Notice of by those who may now perhaps be forming Projects for raising new Debts upon the Credit of the Sinking Fund. The true Nature of this Fund is very little understood by those who imagine, that it has been all got from the Diminution of the Interest payable to the Creditors of the Publick. It is very well known, that by the Diminution of Interest in the Years 1717 and 1727, we got in the Whole but 697,000 *l.* annual Income, and out of this Sum we ought to deduct the annual Sum of 100,000 *l.* since added to the Civil List, we ought to deduct the Salt Duty, which has been lately taken from the Sinking Fund, and made a Fund for contracting a new Debt, and we ought to make many other Deductions I could name, all which added together amount to the yearly Sum of above 690,000 *l.* so that properly speaking it is but a most inconsiderable Part of the present Sinking Fund that can be said to arise from the Diminution of Interest payable to the Creditors of the Publick.

The real and the chief Foundation of our present Sinking Fund is to be looked for, my Lords, in a very different Article; the greatest Part of it arises from the Increase of our Taxes above what they produced in Time of War. The Produce of those Taxes, which were imposed for Payment of any Money raised during the War, was computed according to what they brought in yearly at that Time; but now in Time of Peace, every one of those Taxes produces a great deal more yearly than it did at that Time, and it is from this Increase that the greatest Part of our present Sinking Fund truly
arises

arises. This will appear evident from comparing the Produce of our Customs and Excise now in Time of Peace, with what they produced in Time of War. In ten Years of Peace, at least a Sort of Peace, from *Christmas* 1722, to *Christmas* 1732, the Customs produced, upon an annual Medium, 1,603,805 *l.* whereas in the last ten Years of the War they produced, upon an annual Medium, but 1,260,732 *l.* the Difference of which is 343,073 *l.* yearly Produce more in Time of Peace than it was in Time of War; but there having been an Alteration made since the Year 1712, and before the Year 1722, in relation to the Drawbacks of the old Subsidy, and in relation to the Duties on Coffee, Tea, Chocolate and Brandies, which, since the Year 1712, and before the Year 1722, were taken from the Customs and turned into Excise, the Produce of both these Articles, which we may reckon at least at 200,000 *l.* annually, ought to be added to the annual Produce of the Customs for the ten Years, from *Christmas* 1722 to *Christmas* 1732, or it ought to be deducted from the annual Produce of the Customs in the last ten Years of the War; in either of which Cases it will make the Difference between them 543,073 *l.* yearly Increase in the Branch of our Customs only. Then, my Lords, with respect to the Excise, we shall find, that the Excise on Beer and low Wines (without including that on Coffee, Tea, Chocolate and Brandies) for three Years, from *Midsummer* 1729 to *Midsummer* 1732, at an annual Medium, amounted to 1,238,902 *l.* and the same Excise in three Years of the War, from *Midsummer* 1709 to *Midsummer* 1712 (being the only three Years after the additional Third) was, at an annual Medium, but 897,662 *l.* the Difference between which two Produces is 341,240 *l.* yearly Produce more in Time of Peace than it was in Time of War; and these two yearly Increases amount to the Sum of 884,313 *l.* which comes all in yearly to our Sinking Fund, by the Increase of our Taxes now in Time of Peace, more than they produced in the Time of War: 'Tis true it may be said, that the Duties upon Coffee, Tea, Chocolate and Brandies, have likewise greatly increased, and therefore the whole Sum of 200,000 *l.* ought not to be deducted from the 1,260,732 *l.* let us then deduct a proportional Sum, which is 157,224 *l.* the Produce of the Customs in Time of War will then appear to have been, at a Medium, 1,103,508 *l.* but then the Increase of the Duties upon Coffee, Tea, Chocolate and Brandies,

Brandies, or the Difference between 200,000*l.* and 157,224*l.* which is 42,776*l.* must be added to the Produce of the Customs in Time of Peace, in which Case the Whole will amount to 1,646,581*l.* so that the Difference comes out to be the same.

I hope your Lordships will excuse me for making Use of so many Calculations; for the Affair now before us is of such Importance, that it deserves the most serious, the most minute Consideration. Figures, my Lords, cannot err, and by them it evidently appears that near 900,000*l.* of our present Sinking Fund arises annually from the Increase of our Customs and Excises: Can we suppose that such an Increase would continue if this Nation should be involved in War? Are not we rather to suppose, that both would suddenly decrease, and would in a short Time come to the same, or very near the same Standard they were at during the last War? In such a Case, could we hope to discharge any great Part of our Debts yearly, by Means of our Sinking Fund? Could we hope to contract new Debts, or to support a heavy and expensive War upon the Credit of such a Fund? Those who are just sinking and ready to perish, may catch hold of any Twig, may build their Hopes upon any Chimeras; but I hope this Nation is not yet seduced to such a Condition as to trust to a Twig, which must sink as soon as we catch hold of it, I hope we will never place our Security in any Thing but what has a solid and a lasting Foundation; and a solid and lasting Foundation we can find no where, but in the real Wealth and hearty Affections of our People: While the People are loaded with Debts they cannot be said to have real Wealth; while they are over-burdened with Taxes we cannot expect their hearty Affections; and as nothing can be so effectual for clearing them of their Debts, or relieving them from their Taxes, and for gaining their Affections, as a most religious Application of the Sinking Fund to the Uses for which it was originally intended, I must therefore be against the Misapplication proposed by the Bill now before us.

To this it was answered in Substance as follows:

My Lords,

IT is to me really surprizing to hear some noble Lords declaring the great Concern they have for the Credit of this Nation abroad, and at the same Time, with the same

same Breath, doing all they can to lessen the Credit and the Esteem of this Nation among Foreigners, by endeavouring to establish it as a Maxim, that even the Parliament cannot dispose of the Sinking Fund to any Use but that of paying off some Part of our Debts, contracted before the Year 1716; for if it were so, it is certain no foreign Power would have such a high Notion of the Power and the Strength of this Nation as they would naturally have, if they knew that we had a Million Sterling coming in yearly, without laying any one Tax upon our People, which we might, as we thought fit, apply, either to the paying off some of our old Debts, or towards raising Forces for our own Defence, or for assisting our Friends, or punishing our Enemies. I must therefore think that every Man, who has a true Regard for the Credit of this Nation among Foreigners, will, when he considers the Affair thoroughly, endeavour to establish the contrary Maxim; and I hope this House will, by passing this Bill now before us, endeavour to convince all Foreigners, that we have a Power, when we think it necessary, to apply the Revenue of the Sinking Fund towards their Assistance or Correction. When Foreigners consider what great Expence we have been at this Year in augmenting our Forces both by Sea and Land, and that notwithstanding such an Expence we have laid but two Shillings in the Pound upon our Land, I am sure it will give them a greater Opinion of the Wealth and the Power of this Nation, and will contribute much more towards our Credit among them, than the paying off a Million of our Debt could possibly have done: They will consider, that we may continue the same Forces as long as we have a Mind, without raising any new Taxes upon the People, and that whenever we find it necessary we may make very considerable Additions, by only increasing our Land Tax to what is usually paid in Time of War; and therefore we must conclude, that the Methods taken this Year for raising Money for the current Services, are the most prudent that could have been taken for establishing the Credit and Esteem of this Nation abroad; and that they are no way inconsistent with any Obligation we are under to the Creditors of the Publick, I shall endeavour to demonstrate.

Even supposing, my Lords, the publick Creditors had a Right to insist upon it, that the Sinking Fund should never be applied to any Thing but the paying off some Part of the Debt due to them, yet it has been admitted

that their tacit Consent would be sufficient for giving the Parliament a Power to apply it to other necessary Purposes; and as no Objection has been made by any of the publick Creditors to the Application now proposed, as every one of them is, I believe, glad to hear of its being so applied, therefore, from any supposed Right in them no Objection can be made to the Bill now before us; so that at present it seems to be an unnecessary Dispute, whether the Creditors have any Right in this Fund or no. However, as it may, in my Opinion, very much lessen our Credit abroad, as it might subject this Nation to very great Inconveniencies, to suppose that even the Parliament could not dispose of the Sinking Fund to any other Purpose, if the Creditors should think fit to object to that Disposal, I hope your Lordships will give me Leave to state that Matter in the Light in which it appears to me.

If the publick Creditors, my Lords, have any Right to demand, that the Sinking Fund shall never be applied to any Use but to the paying off so much of their Principal yearly, that Right must arise either from the Reason and Spirit, or from the express Words of those Acts of Parliament by which the Sinking Fund was first created. With Respect to the Reason and Spirit of those Acts of Parliament, it must be deduced from that Cause upon which they were principally founded; and it is well known, that the Project, which gave Rise to those Acts of Parliament, did not proceed from any Terms offered by the Creditors: They never so much as thought of offering to give up a Part of their yearly Interest, in order to establish a Fund for paying off their Principal; but the Foundation of that beneficial Project, and the true Cause of those Acts of Parliament was this, the natural Interest of Money had decreased so much, and the Credit of our publick Securities had become so extensive, that some Gentlemen, who had the Good of their Country much at Heart, thought it was proper to take Advantage of the happy Circumstances the Nation was in at that Time, in order to lessen the Interest payable to the Creditors of the Publick; for this Purpose they founded the Inclinations of some of the leading Men in the monied Companies, and other rich Men in the Kingdom, to see if they would lend the Government any large Sum of Money at an Interest of 5 per Cent. and this was no sooner proposed than it was agreed to; by which it was found, that the Government could borrow

27

at 5 per Cent. as much Money as would be sufficient to pay off all the Debts then redeemable by Parliament, which bore an Interest of 6 per Cent. or above: Thus the Project was soon brought to Maturity, and when the Proprietors of those Debts found they were like to be paid off, they chose rather to accept of a less Interest for their Money, than to take their Principal when they did not know where to place it out to any Advantage: They were so far from demanding any Conditions, they were so far from insisting that the Government should lay themselves under any Obligations, that they readily came in, and were glad of being allowed to accept of the Interest that was offer'd them; and why the Government should without being asked, without any Consideration, lay themselves under a peremptory Obligation, to apply the Savings made by that Reduction of Interest, to the paying off the Principal, is what I cannot comprehend, is what cannot, I think, be supposed.

Now, my Lords, with respect to the express Words of those Acts of Parliament, by which the Sinking Fund was established, let us examine the Acts themselves, to see if we can find in any one of them such Words as can possibly be understood to mean, that the Sinking Fund thereby established should, in all future Times, be inviolably applied to the paying off the publick Debts, without leaving it in the Power, even of the Parliament itself, ever to apply that Fund to any other Purpose. The Acts by which the Sinking Fund was first established, are, *The Act for redeeming the Duties and Revenues settled for paying off the four Lotteries, which is called the General Fund Act: The Act for redeeming several Funds of the Bank of England: And the Act for redeeming the yearly Fund of the South-Sea Company;* which three Acts were all passed in the third Year of his late Majesty; and in the Preamble of every one of them, the Decrease of the common Interest for Money, is expressly assigned as the Cause for passing them, without the least Notice taken of any Covenant between the publick Creditors and the Government, about the future Application of the Sinking Fund then established, which would certainly have been recited if there had been any such Thing, or if any such Thing had been intended. The Preamble of the Act for redeeming the Bank Fund is very remarkable: ——— It recites, That the Governor and Company of the Bank of England, in regard that the common Rate of Interest for Money, is very much lessened under your Majesty's most
P p 2 auspicious

auspicious Reign, are willing ——— and soon after are these remarkable Words ——— So as they may be satisfied the said last yearly Sum, till *Midsummer*, 1718, inclusively, and so as the future Payments of the said Sum of 88,751 *l.* 17 *s.* 10 *d.* $\frac{1}{4}$ may be secured to them, from the said Feast-day till the Redemption thereof, and so as the said yearly Sum be made redeemable upon one Year's Notice: ——— Here, my Lords, is the Contract between the Government and the Bank fully recited, and not one Word mentioned of a Covenant between the the two contracting Parties, about the Application of the Sinking Fund: And in this Act, when the Surplus or Excess occasioned by the Reduction of Interest comes to be disposed of, it is expressly declared and enacted, ——— That the Excess or Surplus which at any Time shall or may be produced by the several Rates, Duties, Revenues, and Incomes thereby appropriated, shall attend the Disposition of Parliament, and be applied according to Act or Acts of Parliament in that Behalf, and not otherwise. ——— By these Words, my Lords, this Excess or Surplus is so far from being appropriated to the paying off our Debts, that it is, in as express Terms as could be devised, left to the future Disposition of Parliament.

The Preamble to the *South-Sea Act*, my Lords, is much to the same Purpose; the Words are ——— And whereas the said Governor and Company are contented, in regard the Rate of Interest is very much lessened, to accept, after *Midsummer* 1718, one Annuity of 500,000 *l.* being after the Rate of 5 *l.* per Cent. per Ann. for the said ten Millions. ——— Here your Lordships likewise see the Reason why that Company was contented to accept of 5 *l.* per Cent. Interest: It was because the common Rate of Interest was very much lessened: This, my Lords, is the only Reason expressed, and if there had been any other Reason it would certainly have been expressed. In like Manner, The Excess or Surplus of the *South-Sea Funds*, are by this Act expressly declared to attend, from Time to Time, the Disposition of Parliament, and to be applied according to Act or Acts of Parliament in that Behalf, and not otherwise: From which Words it is to me as evident as Words can make it, that this Excess or Surplus was not then designed to be disposed of at any one Time, or to any one particular Use, but was to attend the Disposition of Parliament ——— From Time to Time. ——— So that I am sure neither the Bank nor the *South-Sea Company* can pretend to have, from

from either of these two Acts, any Right or Property in the Produce of the Sinking Fund.

The only other Act by which the Sinking Fund was established is that I have mention'd, which is called the *General Fund Act*, and in the Preamble of this Act likewise, the Cause or Consideration for passing the same is expressly mentioned to be, That the Common Rate of Interest for Money had been very much lessen'd ; after which, the End and Intention of the Act is likewise mentioned in these Words, ——— Now, to the End a sufficient Fund may be established, for Payment of all the Annuities which shall be payable in Pursuance of this Act, it is enacted, ———. These Words I beg your Lordships would take particular Notice of, because, if there had been any Intention to appropriate the Sinking Fund, thereby established, to the Payment of the publick Debts, and to no other Use whatever, there would certainly in this Part of the Act have been added some Words to this Effect, ———. And likewise that a sufficient Fund may be established for Payment of the principal Sums for which those Annuities are to be payable, it is enacted, ———. From all which I think it is evident, that none of the publick Creditors, whose Interest was at that Time to be reduced, made any Contract with the Government, or desired to lay the Government under any Obligation for applying the Produce of the Sinking Fund to the Payment of the principal Sums due to them, and to no other Purpose whatever ; and in that Case we must suppose that the Clause in this last Act, by which the Surplusses in the three Acts I have mentioned, are directed to be applied to the Discharge of the National Debts incurred before 1716, in such Manner and Form as should be directed and appointed by future Acts of Parliament, was never intended for any Thing else but as a Direction for the Commissioners of the Treasury, and other Officers of the publick Revenue, how and by what Authority they were to dispose of the said Surplusses or Excesses : It was certainly never intended as an Implication of any Agreement or Contract with the publick Creditors, or as a Law which no future Parliament could repeal, alter, or amend, without the Consent of the publick Creditors.

If then, my Lords, it cannot be supposed from any Thing that passed, or any Thing that was enacted in the Year 1716, that the publick Creditors, whose Interest was then reduced, stipulated any Appropriation of the
Sinking

Sinking Fund to the Payment of the principal Money due to them, I am sure the Creditors concern'd in the Irredeemables, can much less be said to have made any such Stipulation: For it is certain they were no Way concern'd in the Transactions of that Year; and as for the Transactions of the Year 1720, it can as little be said that they then stipulated any Thing from the Government, because that whole Transaction was carry'd on between the Government and the *South-Sea Company*; and that Company never desired any Thing more from the Government, but only a Liberty to increase their Capital Stock, by redeeming, purchasing, or taking in the redeemable Debts and the irredeemable Annuities, providing that their Capital Stock might be increased, according to the Terms and in the Proportions in the Preamble of that Act mentioned; and that they should have such an Annuity upon their Capital so increased as is therein stipulated, all which your Lordships may see in the Preamble of that Act; but in no Part of it, nor in any Part of the Act, is there the least Intimation of any Covenant or Contract between the Government and the Company, that the Surplusses or Excesses to be thereby created, were to be appropriated to the Payment of our publick Debts, and to no other Purpose. 'Tis true, the Commons here declare their being desirous to have the publick Debts and Incumbrances lessened as fast as may be, with Regard to Justice and the publick Faith; and I believe every Man who wishes well to his Country desires the same; but the Company, who were then the only contracting Party with the Commons, are so far from making any Stipulation for that Purpose, that they do not so much as declare their being desirous it should be so: From all which, my Lords, I think it is evident, that none of the publick Creditors have, either by the Intention and Spirit, or the express Words of the Laws, by which the Sinking Fund was establish'd or increased, any Right to demand that the Produce of the Sinking Fund shall be applied to the paying off their Principal: On the contrary, I think it is as evident as Words can make it, that the Application of that Fund is entirely left to the Disposition of Parliament. That it ought to be applied to the Discharge of the National Debt, contracted before 1716, is what no Man will doubt; but that the general Interest of the Nation may require, and that the Parliament may order its being otherwise apply'd, without the Consent, or even
against

against the Inclination and Prayer of the publick Creditors, is what, I believe, will be as little doubted by any Man who considers its original Institution.

Another Argument has been made Use of against this Bill, which I must confess I do not well comprehend: It has been said, that it may be of dangerous Consequence to his Majesty and his Family: If I thought there was the least Ground for such an Argument, it would certainly be with me a most prevailing one: But when I consider the heavy Load that has for so many Years been laid upon the landed Interest of this Kingdom, I must think there is nothing more just than to take all Methods for giving them Relief; and how an Act of publick Justice can be of dangerous Consequence to his present Majesty, or to any of his illustrious Family, I cannot comprehend. There was no other Way of raising the Money proposed to be raised by this Bill, but by laying four Shillings in the Pound instead of two upon Land; and in that Case, I am sure the landed Gentlemen would have complained, and would have had Reason to complain of our having loaded them with such a heavy Tax, when we had a Million in our Hand which we might have applied towards their Relief. The Nation would have been but very little sensible of the Relief given them by paying off a Million of our Debt; but the Landed Interest would have been deeply sensible of so heavy a Tax, by which we must of Course have raised a great many Enemies to his Majesty's Government, without procuring him any Friends: Whereas, when Posterity reflect upon the Necessity we are now under, and the dangerous Situation we are in, they will readily excuse our not having cleared them of a Million of Debt at such a critical Conjunction.

I shall readily agree with the noble Lords, that a good Part of our Sinking Fund arises from the Produce of most of our Taxes having greatly increased since the last War; but that this Increase is entirely owing to the Peace we have enjoy'd, is what I cannot admit; for I am convinced that it arises from the Increase of our People, the Increase of our Luxury, and the superior Care now taken in collecting our Taxes, and preventing all Manner of Smuggling. These I take to be the chief Causes of that Increase in the Produce of our Taxes, which has happened since the last War; and in this Opinion I am confirmed by this Observation, that the Increase has grown up gradually; whereas, if it had been occasioned

occasioned by nothing but the Peace we have enjoy'd, it would have grown up all at once; the Increase would have been as great, or very near as great, the first Year after the Peace was established, as it is at present; the contrary of which we know by Experience: Now, neither of these Causes can be much affected by any War but a Civil War, which I hope this Nation will never be engaged in; therefore I hope, and I think I have good Reason to hope, that our Sinking Fund will be very near as large in Time of War, as it is now in Time of Peace. I do not know that any Man ever formed a Project, or has so much as once had it in his Thoughts to mortgage the Sinking Fund, or to raise any new Debt upon that Credit; but, my Lords, if we were actually engaged in a War, I should think it a Maxim of the most dangerous Consequence to his Majesty and the Royal Family, to load and oppress the Subjects with new and heavy Taxes, rather than apply the Sinking Fund, yearly as it arises, to the Uses of the War, instead of applying it to the paying off the old Debts of the Nation; and for this Reason, I cannot think it of any great Service to his Majesty or to his Family, to endeavour to establish it as a Doctrine, that the publick Creditors have an indefeasible Right in the Sinking Fund, and that the same cannot be applied by Parliament to any other Use without their Consent.

But, my Lords, if the publick Creditors had such an indefeasible Right in this Fund, it must then be granted, that it could not be applied by Parliament even to the reducing of those Taxes which are most prejudicial to the Trade, most burthensome on the Manufactures, and most oppressive on the Poor of this Nation: And yet I have lately seen a Pamphlet hawked about in the Streets, under the Title of a Protest enter'd by some noble Lords, upon this House's disagreeing with them in a Motion for our coming to a Resolution, that the Sinking Fund should always be applied to such Purposes, and to none other. How this can consist with the Doctrine now advanced, that this Fund cannot be applied to any Purpose but that of paying off the Debts of the Nation, contracted before the Year 1716, I must leave to other Lords to explain. However, they need not, I think, give themselves any great Trouble about getting over this Difficulty, for I have clearly shewn, that there is no Foundation for such a Doctrine. I have shewn, that the Sinking Fund was at first intended to be left to the Disposition of Parliament;

ment; that it was chiefly designed for paying off the Debts of the Nation, but that the Parliament may apply it to other necessary Purposes, and I think there can be no Purpose more necessary than that of preventing our being under a Necessity of loading the landed Interest with four Shillings in the Pound; therefore I must think the Bill now before us a most reasonable Bill, and I hope your Lordships will order it to pass.

To which it was reply'd as follows:

My Lords,

I Do not know what may be the Way of thinking among some People of this Nation, but I am sure it is the general and the right Way of thinking, to compute the Strength and Power of a Nation from that Revenue which it may apply towards a War, without running in Debt, or loading the People with heavier Taxes than they will patiently submit to pay. A Nation may, on some extraordinary Emergency, be obliged to run itself something in Debt; but as every Mortgage upon a private Gentleman's Estate is a Step to the Ruin of his Family, so every publick Debt that is contracted, is a Step to the Ruin of the Nation; therefore no Nation, unless they are mad, will contract any Debt, as long as they can raise what is necessary for the yearly Expence, by such Taxes as they think the People will patiently submit to pay; and the People of every Country will certainly submit patiently to pay any Tax that can be laid upon them, if they have a Confidence in their Governors, and an Assurance that they will demand no Money, but what is necessary for the common Safety, and that the best and the most frugal Use will be made of the Money that shall be so raised. This, my Lords, I am sure, is the general Way of thinking among all Foreigners; and whoever thinks in this Manner, will never admit, that the Revenue which ought to be apply'd to the Payment of our Debts, is a Revenue which contributes to our Strength and Power. In the last War, we made many (I believe some unnecessary) Steps towards our Ruin; every Shilling of the old Debt we pay off, is at least a Step from our Ruin, and I with Grief and Sorrow reflect upon our having made so few, during such a long Term of Peace and Tranquility. But as all or most of our Debts bear an Interest of 4 per Cent. every Misapplication of the Sinking Fund, is not only neglect-

ing to make a Step from our Ruin, but is likewise making a new Step towards our Ruin, by bringing a new Debt upon the Nation, I mean the growing Interest for that Money which ought to have been paid off. By the very Bill now before us, we bring a new Debt of 40,000 l. upon the Nation: This Sum, 'tis true, in *English Money*, has but a small Sound, but in *French Money* it makes above 800,000 Livres; and what will a *Frenchman* think of this Nation, when he hears, that now, in Time of Peace, we have not only neglected to pay off a large Sum of old Debt, but have contracted a new Debt of near a Million of their Money? Will he not say, that we are either mad, or that the People are already so loaded with Taxes, or have so little Confidence in their Governors, that they will not patiently submit to pay any additional Tax? Can this add to the Credit or Esteem of the Nation among Foreigners? Can it contribute to render any of his Majesty's Measures effectual?

But this, my Lords, is not the only Step we have this Day made to our Ruin; we have made another most terrible Step, we have contracted another new Debt of above ten Millions of *French Livres*, which must confirm every Foreigner in his Opinion of the pitiful Circumstances we are reduced to. In order to save laying another Shilling upon Land, we have this Day made a second Mortgage upon the only Tax we had to mortgage; and therefore I am surpris'd to hear it so much as insinuated that we have, or that Foreigners will believe we have a Tax of 2 s. in the Pound upon Land, which we may lay on when we please, and which we may apply towards increasing our Forces in Case of a War; for whoever considers what we have this Day done, must necessarily conclude, that we have not at most above a Shilling in the Pound Land-Tax, which we can apply towards increasing our Forces either by Sea or Land; and how short that Sum would be of the Expence necessary for supporting a War, every Foreigner, as well as every one of your Lordships, may easily judge.

The tacit Consent of the Money Companies may, perhaps, be some Sort of Excuse for what is propos'd to be done by this Bill; but it is far from being an Authority absolutely sufficient; for such an Authority can only be obtained from the general Courts of the respective Companies: Such a tacit Consent as we have at present, may flow from the Negligence, perhaps the Fraud, of the Managers, which the Proprietors may afterwards find

great

great Reason to complain of; and when they begin to make such Complaints against their Managers, they will then certainly complain loudly against those who made a Handle of such a tacit Consent, in Order to take away what properly and of Right belonged to them. Nay, my Lords, as all Companies and Corporations are something in the Case of Infants, even their express Consent could not justify the Application of the Sinking Fund to any other Purpose, unless there were really a Necessity for such Application; and I am convinced that no such Necessity can be pleaded at present; for, in my Opinion, we had no Occasion to be at any extraordinary Expence, no more than any other of our Neighbours not engaged in the War; and if there had been an apparent Necessity for any such Expence, our People would have agreed to raise it by some new or additional Tax, rather than to have had that sacred Fund diverted from the Uses for which it was originally intended.

I have read, my Lords, in a Pamphlet lately hawked about, some sophistical Arguments for proving, that the publick Creditors have no Right or Interest in that Fund, which every Man allows was principally intended for their Payment, and without which, it is certain they never can be paid; but I little expected ever to have heard those Arguments repeated in this House: However, as they have been most minutely repeated in this Days Debate, I hope your Lordships will excuse me for endeavouring to shew wherein their Fallacy consists; and in so doing I hope I shall be able to convince every Lord in this House, that the Creditors of the Publick have a Right in the Sinking Fund, not only from the Reason and Spirit but from the express Words of the Acts of Parliament by which it was established; and indeed the Words are so express, that I am astonished to hear their Right controverted, especially in this House, where a most religious Regard for private Property has always been preserved.

My Lords, when a Motive founded on private as well as publick Interest, can be assigned for any Project, I am always apt to imagine, that the Motive founded on private Interest, gave the first Rise to the Project, and was the principal Cause of its being carry'd into Execution: And, according to this Rule, if we examine the Project for establishing the Sinking Fund, we must believe, that the first Rise of it proceeded not from any Gentleman who had only the Good of his Country much at Heart,

but from some Gentleman who had the Good of his own Family as well as the Good of his Country much at Heart. Before the Year 1716, the Proprietors of the Redeemables had, indeed, an Interest of 6 *per Cent.* secured to them by Law ; but as there was no Fund then settled for the Payment of their Principal, they could have no Expectation of ever being paid, or at least not till the Terms of the Irredeemables should be all expired, and in such a long Time they did not know but that the Distresses of the Publick might put a Stop to the Payment of their Interest, as well as disappoint them entirely of their Principal. In this dangerous Situation, no Man of common Prudence but would conclude, that it was better (at least for his Family) for him to have but 5 *per Cent.* Interest, and a certain Fund established for paying off the Principal in a short Term of Years, and from thence the Project for reducing the Interest, and thereby establishing a Sinking Fund, originally and principally proceeded : Ministers, or perhaps some of their Projectors, might have had a Project in their Heads for reducing Interest, but 'till it came into the Heads of some of the chief Money'd Men in the Kingdom, it was nothing but a Project, a meer Chimera ; and for this Reason I am convinced, that the Project never came to any Perfection, 'till the Managers of the Bank and *South Sea Companies* offer'd, not only to accept of an Interest of 5 *per Cent.* for what was due to their respective Companies, but to assist the Government with Money at the same Interest, for paying off the other Redeemables, who should refuse to accept of such an Interest : However, whether they made the Offer, or only agreed to the Proposition when made to them, is not material ; but one or the other must have been the Case, before that Project could be carry'd into Execution ; and as we must suppose that the securing the Repayment of their principal Money, was the chief Thing they had in View, is it possible to suppose that they would make such an Offer, or agree to such a Proposition, without stipulating that the Sinking Fund thereby to be established, should be appropriated to the paying off the Principal ? It is impossible to make such a Supposition ; and therefore their Right to the Application of this Fund, arises in the most clear and evident Manner, from the Reason and Spirit of the Transaction upon which those Laws were founded.

After

After this Contract and Agreement was made between the Government and the two Companies, and not till then, it began to be possible to carry the Project into Execution; and one of the first Steps taken was for the House of Commons to resolve, *That all Savings by the proposed Reduction of Interest, should go towards discharging and reducing the National Debt.* These, my Lords, are the express Words of the Resolution: They are absolute and unconditional, and from that very Moment every Man who had any Share, or afterwards purchased any Share in the Redeemables, must have believed, that by his accepting of 5 per Cent. instead of taking his Money, he thereby acquired a Right to have the Savings applied to the Payment of the Principal, which Right he must have thought as absolute and unconditional as was the Resolution of the House of Commons upon which it was founded: And now to pretend, that there was no Contract or Agreement between the Government and the two Companies, or between the Government and any of the publick Creditors, because that Contract was not fully and particularly set forth in the Preambles of the several Acts of Parliament, is such a catching at Words, as I believe would hardly be made use of by a common Lawyer in *Westminster-Hall*. It cannot so much as be pretended, that without the Assistance of the two great Companies the Government could then have borrowed, at 5 per Cent. as much Money as would have been sufficient for paying off all the Redeemables; and as They could have no other Motive from private Interest for agreeing to assist the Government, but only the Right they were to acquire to the Savings got by a general Reduction of Interest; therefore, tho' it had not been expressly stipulated, we must conclude it was implied in their Agreement, and if they had no other Right but by Implication, it would be doing them Injustice to rob them of such a Right.

I must now beg Leave, my Lords, to touch a little upon the several Acts of Parliament by which this Right is, I think, clearly established. With Regard to the Preamble of the Bank Act, it is indeed, recited in this Act as well as the others, *That the common Rate of Interest for Money was very much lessened; but this was not the real Cause of either of the Acts, on the contrary I believe, that the common Rate of Interest being lessened, was chiefly owing to the Resolution upon which these Acts were founded; however it was necessary to make this a*
Pretence,

Pretence; not only to induce the Proprietors of the two Companies to approve of what their Managers had done, but to induce as many of the other Redeemables as it was possible, to accept of the 5 *per Cent.* Interest that was to be offered them; in this Preamble are likewise recited some Stipulations that related particularly to the Bank; but as this Act relates particularly to the Bank, the General Contract, the General Stipulation, by which the publick Creditors were to acquire a Right, to have the Savings appropriated to the Payment of their Principal Sums, could not be recited, neither in the Preamble of this Act, nor in the Preamble of either of the other two, because the Bank was not to acquire a particular and separate Right to the Savings that were to arise by the Reduction of their Interest, nor was the *South-Sea* Company to acquire a particular and separate Right to the Savings that were to arise by the Reduction of their Interest; nor were the other Redeemables to acquire any such Right to the Savings by the Reduction of their Interest, but all of them were to acquire a general and joint Right in those Savings that were to arise by the Reduction of the Interest payable to them, and therefore it would have been improper, it would have been absurd to have recited this Agreement in any one of the Acts, or indeed to have recited it at all; the only proper Way of mentioning the Agreement was by performing it, and that was done by a general Clause in one of the Acts, as I shall immediately shew to your Lordships.

With respect to the Disposing Clause in the Bank Act, as well as the Disposing Clause in the *South-Sea* Act, it is evident that both of them refer to some Act or Acts of Parliament that were to be made, for the Appropriation of those Surplusses or Excesses, in Pursuance of that Agreement which the Government had made with the Bank and *South-Sea* Companies: When these two Acts were drawn up it was not determined, whether that Appropriation was to be made by one or more Acts of Parliament, or whether it was to be made by a particular Act for that Purpose, or by a Clause in some other Act; but it is plain, the Parliament then thought it might be done by one Act, otherwise it could not have been said, — according to Act or Acts of Parliament —; for if that Appropriation had not been designed to have been made by Parliament, but yearly as the Surplusses or Excesses arose, it must necessarily have required the passing of many Acts of Parliament for that Purpose; and

and in such Case the Words in this Clause must have been ——— According to Acts of Parliament in that Behalf ——— it would have been ridiculous to have said ——— Act or Acts ——— in relation to a Thing which could not possibly be executed by one Act: But the Truth is, it was at that Time resolved, to appropriate all those Surplusses or Excesses that should arise by all or either of these three Acts, to the Payment of Debts contracted before that Year; and it was resolved, that this Appropriation should be made by some Act or Acts to be passed in that very Session of Parliament; but that it should be left to future Parliaments to apply the Surplusses so appropriated, to the Payment of such of those Debts contracted before the Year 1716, as they should think proper: This was the only Power that was to be left to future Parliaments; and on account of this Power only, the Words ——— From Time to Time ——— are inserted in the Disposing Clause of the *South-Sea Act*.

As the Preamble of the General Fund Act relates only to the Creditors, whose Interest was by that Act to be reduced; therefore no Notice could be taken in the Preamble of that Act of the Appropriation intended, because that Appropriation was to be general, and to comprehend all the Surplusses arising by that and the other two Acts passed in the same Session of Parliament; and from hence the noble Lord may find a very good Reason why no such Words as he was pleased to mention, could be inserted in that Act: But, my Lords, before this Act was passed it was determined, that the Surplusses to arise by those three Acts might be properly and sufficiently enough appropriated to the Uses intended by the Agreement between the Government and the Bank and *South-Sea Companies*, by a general Clause in this last Act; and therefore, immediately after such a Disposing Clause as is in each of the other two, there is inserted in this Act a general Disposing Clause, in such express and peremptory Terms, that I must beg Leave to read the Whole to your Lordships. The Clause is in these Words. ——— *All the Monies to arise from Time to Time, as well of the Excess or Surplus, by Virtue of an Act made this Session for redeeming the Funds of the Bank of England, and of the Excess or Surplus by Virtue of an Act made likewise this Session, for redeeming the Funds of the South-Sea Company, as also of the Excess or Surplus of the Duties and Revenues by this Act appropriated as aforesaid, and the overplus Monies of the said general yearly Fund, by this Act established, shall be appropriated*

appropriated to the discharging the Principal and Interest of such National Debts as were incurred before the 25th of December 1716, and are declared to be National Debts, and not provided for by Parliament, *in such Manner as shall be directed by any future Act, and to or for no other Use whatsoever.* — This Clause, my Lords, is so explicit, and so express and particular, with respect to the Appropriation of the Surplusses arising from these three Acts, that I am really prodigiously astonished to hear it said in a serious Debate in this House, that the Proprietors of the Debts here mentioned have not, by this Act, as full a Right in these Surplusses as can possibly be given them by Act of Parliament. To pretend, that this Clause was designed only as a Direction to the Commissioners and Officers of the Treasury, is really most extraordinary. Does not every one of your Lordships see, must not every Man see, that the Words must then have run thus — *shall be applied in such Manner as shall be directed by any future Act, and to or for no other Purpose whatsoever?* Is it not evident, that if no immediate Appropriation had been intended, these Words — *appropriated to the discharging the Principal and Interest of such National Debts as were incurred before the 25th of December 1716, and are declared to be National Debts, and not provided for by Parliament,* — must necessarily have been left out?

From what I have said, my Lords, it must I think demonstrably appear to your Lordships, that wherever the Project for establishing the Sinking Fund, by reducing the Interest payable to the Creditors of the Publick took its Rise, it was impossible for the Government to execute this Project without the Assistance, as well as the Agreement of the Bank and South-Sea Companies: That besides the publick Advantage, which might perhaps be some Inducement to them, they had likewise their own private Advantage, because they thereby rendered the Payment of their Principal secure, which would have otherwise been extremely precarious: That as they had an Inducement from their own private Advantage, we must from the Nature of Things presume, that they made the securing them in the Enjoyment of this private Advantage, an express Condition in their Agreement, as well as in their Promise to assist the Government in the Execution of the Project; and this Clause which I have read to you we must therefore look upon as a Clause expressly stipulated by these two Companies, and which they then

looked

looked on as an absolute Security for the Enjoyment of that private Advantage they had in View: We must for this Reason confess, that these two Companies have a Right in the Sinking Fund, not only from their previous Contract, but from the very Words of this Clause; and if the other Redeemables had taken or called for their Money, these two Companies must have paid the Whole, consequently their Right in the Sinking Fund would then have extended to the full Value of all the Redeemables whose Interest was then reduced. Must we not then in Equity conclude, that those Redeemables who did not call for their Money, but accepted of an Interest of 5 *per Cent.* come in Place of the two Companies, and have a Right to enjoy the Benefit of their Contract. This, my Lords, I wonder to hear in the least controverted in this House, where so great a Regard has always been shewn to Equity, and to what appears to have been the Intention of Parties at the Time of contracting.

As for the Transaction between the Government and the *South-Sea Company* in the Years 1712 and 20, from the whole Tenour of that Transaction it appears, that the Company, as well as the Government, supposed all along that the Sinking Fund, and Increase thereof, should remain appropriated to the paying off the publick Debts contracted before the Year 1716, and to that Use only; for could either the Company or the Government suppose, that any one of the Proprietors of the Redeemables would have subscribed his Debt into the *South-Sea Company*, if he had been thereby to give up the Right he then had for being paid his Principal out of the Sinking Fund? Or could either of them suppose, that the Annuitants would have subscribed their Annuities at any Price into the *South-Sea Company*, if they had thought that they were thereby to accept of a much smaller Annuity, without any Security for their Principal; and indeed without any tolerable Certainty for their Annuities being continued, so long as they were then by Law payable. Such Suppositions, either in the Company or in the Government, would have been ridiculous; and that neither of them made any such appears almost from any Clause in the Act. From the whole Tenour of the Act it appears, that the Meaning and Intention of both Parties was, that the Sinking Fund and the Increase thereof should remain appropriated to the Payment of the Publick Debts contracted before the Year 1716, and that it should never be applied to any other Use; and upon this

Assurance it certainly was, that the Redeemables as well as the Irredeemables subscribed so readily into the *South-Sea* Fund. This was certainly the Design and the Intention of all the contracting Parties, both in the Year 1716 and in the Year 1720; and now to pretend that there was no such Contract, that the Creditors have no Right in the Sinking Fund, merely because this Contract is not recited in the Preambles of these Acts, in as full and as ample a Manner as a Conveyancer would perhaps have recited it in a Deed between private Parties, is a Method of Reasoning I am sure not to be used in this House.

'Tis true, my Lords, after a certain Provision was made, not only for paying the yearly Interest to the publick Creditors, but likewise for paying off their Principal in a small Number of Years, in a Term that was within every Man's View, and in such a short Term, that it was not probable this Country would, in that Time, meet with any such Disaster as might interrupt the Payment either of Principal or Interest, it then began to be an Advantage to be among those Creditors who were the last to be paid off; and the *South-Sea* Company, by a Clause in this last Act, wisely put themselves among the last who were to be discharged: But if the Doctrine now broached should prevail, if two or three more Misapplications, such as that now before us, should be made, this would soon cease to be an Advantage; the only Contest would be, who should be first paid off, because every Man would be afraid that an entire Stop would be put to the Annuity as well as the Payment of the Principal, before the last Creditors could be paid off.

That the Landed Interest ought not to be loaded with any unnecessary Charge is what every Man will acknowledge, but our present Land-holders are all, I hope, Gentlemen of better Sense than to desire that their Posterity should be ruined, for the Sake of giving them a small present Relief; and I am persuaded there is not a Landholder in *England* would either murmur or complain at his being loaded with four Shillings in the Pound, if he saw that it was absolutely necessary for the Preservation of his King and Country: But this, my Lords, is the Difference, and the true Cause of this new Doctrine, when any additional or new Tax is imposed, the People feel the Weight of the annual publick Expence; this puts them upon an enquiring into the Necessity for that Expence, and when they can see no Necessity for it, they

not only murmur, but those Murmurings become dangerous to the Ministers to subject the Nation to such an unnecessary Expence: Whereas no Man feels what is taken from the Sinking Fund, therefore no Man enquires into the Necessity of that Expence which occasions its being plundered; and for this Reason it will always be looked on by Ministers as a Fund which they may squander with Safety; but this may, and will, propably at last, fall heavy upon some Prince of his Majesty's Family: At the same Time that he sees almost all the Revenues in the Nation mortgaged for old Debts, he may find himself engaged in War, as expensive as was that War which occasioned those Debts; and this is so melancholy a Prospect, that the mere Possibility of its existing must give the most affecting Sorrow to every Man who has the Security and Honour of the present Royal Family truly at Heart.

That the greatest Part of our present Sinking Fund is owing to the yearly Produce of our Taxes being much greater now than it was in Time of War is, my Lords, what cannot be controverted, and that that Increase is owing to the Peace we enjoy, is what can as little, I think, be controverted; for granting that the Increase of the yearly Produce of our Taxes is owing to the Increase of our People, to the Increase of our Luxury, and to the good Management and Exactness in collecting our Taxes, yet as these three depend upon the Peace we now enjoy, therefore it must be granted, that the Increase of the yearly Produce of our Taxes depends also upon that Peace. If we were engaged in a foreign War, we would be obliged to send a great Army abroad, supposing we sent only 20,000 Men, we must allow that an Army of 20,000 effective Men would carry at least 30,000 of our People out of the Kingdom; and considering the many Taxes our People pay at present, we may reckon that every Man and Woman in the Kingdom, one with another, pays at least a Penny a Day towards the publick Expence; so that if by the War 30,000 of our People should be carried out of the Kingdom, by that one Article there would be a certain Decrease in the Produce of our Taxes, to the Amount of near 46,000 *l.* yearly; to which must be added the Decrease that would be occasioned by our sending our great Fleets yearly; for tho' our Ships of War be generally furnished with the necessary Provisions at home, yet none of the Seamen on Board consume so much of the Provisions of their own Country,

or contribute so much to the Taxes, as they would do if they were living at home. With respect to our Luxury, it is a Maxim which always holds true, that People are never so luxurious in Time of War as they are in Time of Peace; and as the Luxury of our People would decrease, we must therefore expect that the Produce of Taxes would decrease. But, my Lords, the greatest Decrease of all would be occasioned by its being impossible to collect our Customs so regularly, or to prevent Smuggling in Time of War so much as we do in Time of Peace: We would have our Coasts full of Privateers, and those Privateers would not only make it impossible for our Custom-house Sloops to guard our Coasts against Smugglers, but would often become Smugglers; and when a great Profit is to be got, it would be impossible to prevent our People's dealing with them. These Considerations must shew to your Lordships, that our Sinking Fund would be but a very uncertain Foundation for supporting an expensive War.

With respect to our Power of altering, amending or repealing any Law, it is not at present, my Lords, the Question before us; but this House has always been extremely cautious of doing so, when such Alteration, Amendment or Repeal might probably hurt the Property of private Men; and the Bill now before us must certainly be looked on as a Repeal of all those Laws, by which the Sinking Fund has been appropriated to the paying off the Debts contracted before 1716; and tho' that Repeal may not immediately much injure the Property of the Creditors of the Publick, yet it is laying a Precedent by which their Property may at last be entirely annihilated; for the Necessities of State may at last be made an Argument for seizing, not only upon that Fund, which ought to be applied to the Payment of their Principal, but upon those Funds which ought to be applied to the Payment of their Annuities; and if ever that happens they will not only feel, but will complain loudly of the Bill now before us. The Sinking Fund is as strongly and as firmly established for the Payment of their Principal, as the other Funds are for the Payment of their Annuities: In both Cases I can look upon the Parliament only as the Trustees of the People, and as such I must, indeed, doubt whether we have a Power to do what is proposed by the Bill. Let me suppose, my Lords, a Gentleman who has a great Mortgage upon his Estate, has settled 3000 *l.* a Year Rent-Charge

out of his Estate in Trustees, 2000*l.* whereof to be applied by them yearly towards paying the Interest, and 1000*l.* to be applied yearly towards paying off so much of the Principal Money due upon the Mortgage; suppose this Gentleman should afterwards grow a little extravagant, that he should apply to his Trustees, and tell them he had Occasion for that 1000*l.* a Year, for the necessary Uses of his Family, and that as the Mortgagee did not want his Money they might let alone paying off any Part of the Principal for that Year, in order to supply those Necessities which his Extravagance had brought upon him; Now, my Lords, I should be glad to know whether the Trustees would comply with such a Request, or if they did, whether the Heirs of that Gentleman would be bound, by a Court of Equity, to approve of what the Trustees had done; I am apt to believe they would not; however, as I am no Lawyer, I shall not be positive, but would be glad the noble Lord upon the Wool-sack would give the House his Opinion upon the Case.

The Objection, that if the publick Creditors had a Right in the Sinking Fund, it could not be applied towards reducing any of those Taxes which are most grievous upon the Poor, is an Objection that has already been made, and then received a full Answer, but as it is now again repeated, allow me, my Lords, to repeat the Answer. The publick Creditors have a Right to have the Sinking Fund applied yearly to the Discharge of some of those Debts which were contracted before the Year 1716; but the Parliament may apply it to the Payment of which of those Debts it pleases: As our Taxes are all mortgaged for the Payment of some one or other of those Debts, no Tax can be reduced till the Debt for which it is mortgaged be paid off; the Meaning of that Motion therefore was, that the Parliament should apply the Sinking Fund to the Payment of those Debts for which our most grievous Taxes are mortgaged, in order that the Tax might then be reduced; so that in that Motion there was nothing, my Lords, in the least inconsistent with that Right which the publick Creditors have in the Sinking Fund; which Right is, in my Opinion, as good a Right as the Right they have in those Funds which are appropriated for the Payment of their Annuities, and therefore I cannot but give my Negative to the Bill now before us.

The Question for passing the Bill being at last put, it was carried in the Affirmative, without a Division.

The Speakers in this Debate were, against the Bill, the Lords C——t and B——st, and the Earl of A——d: And for the Bill, the Lord H——ey, the Duke of N——le, and the Earl of I—a.

The Bill for explaining and amending an Act passed in the Parliament of Scotland, in the Year 1701, intituled, *An Act for preventing wrongous Imprisonments, and against undue Delays in Trials*, was, after a long Debate for two Days, and at last, upon a Division, passed in the House of Commons the 5th of May, by 139 to 131; and on the 9th of the same Month the said Bill was read a second Time in the House of Lords, when a Motion was made by the Earl of S——d for having the said Act, passed in Scotland in the Year 1701, read to the House; whereupon the Earl of I—a stood up and spoke to the following Effect:

My Lords,

I SHALL readily join with the noble Lord in the Motion he has made for having the Act, to which this Bill refers, read to your Lordships: This I will the rather agree to, because it has of late been industriously reported, that the Liberty of the Subject in Scotland is no way secured: It has been confidently asserted, that the Subjects in that Part of the Island are still in a State of absolute Slavery; but when your Lordships have heard that Act read, you will see that there is no manner of Ground for such Reports. Your Lordships will see that the Scots have not been idle, whenever they had an Opportunity for securing their Liberties, or for amending, explaining or enforcing that Part of their Law which relates to securing the Rights and Liberties of the Subject: Therefore I hope your Lordships will give all possible Attention to the reading of this Act; and as there are some Law Terms and Expressions in it which some of your Lordships may not perhaps so well understand, I shall beg Leave, after it is read, to give some short Explanation of them, from which I hope I shall be able to make it appear, that the Act stands no way in need of any Amendment or Explanation, and that the Bill now before us, instead of securing the Rights and Liberties of the Subject, will render them more uncertain and precarious than they were before.

[The

[The A^ct was then read, and then his Lordship stood up again, and after giving a short Explanation of the *Scotch Law Terms*, went on to this Effect.]

Thus your Lordships may see, that no Man in *Scotland* can be taken up or imprisoned, unless an Information in Writing, and sign'd by the Informer, be first exhibited against him; and when any Person is to be sent to Prison, the Magistrate who commits him, is by Law obliged to express in his Warrant of Commitment, the Crime he is charged with, or the Cause of his Imprisonment; and further the Gaoler, or Keeper of the Prison to which he is committed, is obliged to deliver to the Prisoner a Copy of his Warrant of Commitment: Then with respect to Trials, if a Prisoner be not brought to his Trial within a certain Number of Days in the A^ct limited, he may apply to the proper Court, and upon such Application, that Court is by Law obliged to bring him to an immediate Trial, or otherwise to discharge him. And lastly, with respect to Bail; if the Crime with which the Prisoner is charged is bailable, it is expressly ordered by the same A^ct, that the Judge or Magistrate before whom he is brought upon any such Charge, shall admit him to Bail, and shall not require Bail for any great or immoderate Sum; nay, the Law goes farther, it limits the Magistrate to a certain Sum for which he is to take Bail, according to the Rank and Quality of the Person accused; and the Sums so limited, are by this A^ct so small, that even the Parliament of *Scotland* thought fit afterwards to increase them to double the Sums first appointed.

From these few Observations, your Lordships may see that the Liberty of the Subject in *Scotland* is as fully secured by this A^ct, as the Liberty of the Subject is in *England* by the *Habeas Corpus*; nay, with Respect to Bail, the Liberty of a Subject in *Scotland* is, in my Opinion, better secured, because the Sum for which a Man is to give Bail, is there limited and ascertained; whereas in *England*, the Sum for which a Man is to give Bail, is left entirely to the Discretion of the Judge or Magistrate who is to take the Bail. 'Tis true, in *Scotland* an Information upon Oath is not required; but that proceeds from the whole Spirit and Tenor of their Laws, by which an Oath is deemed so sacred, that it is not presumed that any real honest Man will voluntarily subject himself to it; and whoever does so, is called an *ultra-neous Witness*, which is in that Country always deemed
a good

a good Reason for suspecting his Evidence; and in all criminal Matters, the Lawyers and Judges of *Scotland* have always been of Opinion, that no Witness ought to be examined upon Oath against any Man, but in a publick Court, and in the Presence of the Prisoner, when he and his Counsel have an Opportunity, and have always full Liberty to cross-examine the Witness, and to make him explain fully every Thing he says.

His Lordship then spoke to the several Clauses of the Bill, and endeavoured to shew the bad Consequences with which they would be attended, and then concluded with his being against committing the Bill, for the Reasons he had offered; and because, that if there was any Cause for altering the Law of *Scotland*, he thought such a great Alteration as was proposed by that Bill, ought not to be made but after the most full and mature Consideration, which he thought they could not have Time for, so near the End of a Session of Parliament.

To this the Lord C———t answered in Substance as follows, *viz.*

My Lords,

AS I cannot pretend to any Knowledge in the Law of *Scotland*, much less to such a thorough Knowledge of that Law as the noble Lord who spoke last, I am at some Loss when I rise up to speak to the Bill now before us. I will grant that the *Scots* have provided as well for their Rights and Liberties as they could, and that they have formerly endeavoured to prevent all the Dangers and Encroachments which could then be foreseen; but it is impossible, it would be vain in any Man, or in any Set of Men, to pretend to guard against all the Dangers that may thereafter arise. The Facts or Events which gave Occasion for bringing this Bill into the other House, are not, 'tis true, before us; but it is certain, and I have even heard, that some Things have happened lately in that Country, which shew, that all the Encroachments that may be made upon the Liberty of the Subject, are not sufficiently guarded against by the Act of the *Scotch* Parliament which has been now read to you: These late Occurrences, we may suppose, gave Rise to this Bill in the other House; and as there are a great many Gentlemen in that House, who thoroughly understand the Law of *Scotland*, we may suppose that they
made

made it fully appear to the House that some such Bill was necessary, before the Bill could pass in that House.

This, my Lords, is a general Reason at least for our not rejecting this Bill; but from the Objections the noble Lord has been pleased to make to it, I plainly see there is a Necessity for passing some such Bill. It is, I think, most unreasonable, that any Man should be deprived of his Liberty, and subjected to the Danger and Expence of a Trial, perhaps for his Life and Fortune, upon a vague and general Information, not sworn to, but only sign'd by the Informer; which he may perhaps have given out of Malice, or in a Passion. I shall always think that some Sort of Evidence is necessary before a Subject is imprisoned, or so much as prosecuted for any Crime; and I am sure, the least Evidence that can in such a Case be required, is the Oath of one Witness. Another particular Reason for evincing the Necessity of some such Bill is, that I find it is neither the Law nor the Custom in *Scotland*, to examine the Person accused, before he is committed to Prison; yet this I must think ought always to be done, because, by such Examination, the Magistrate who grants his Warrant may find, that the Information upon which he granted the Warrant was false and malicious. This I am convinced of from Experience; for when I had the Honour to be in a Place of high Trust under the Crown, there was a Fellow came to me, and gave me an Information upon Oath, of no less a Crime than High Treason, against some Persons in *Wapping*, which Information was so clear and distinct, and the Facts so probable, that I had not the least Reason to doubt of it; however, as it was my Duty, I ordered the Persons accused to be brought directly before me, and, upon examining them, I very soon found that it was a false and a villainous Information, given by a Fellow who had run deeply in their Debt, and had taken that Way to get free of what he owed them; whereupon I dismissed the Persons accused, and had the Informer immediately secured: Of this Story I acquainted his late Majesty, who was so good as to order the Attorney-General to prosecute the Fellow for Perjury, of which he was accordingly convicted, and for which he suffer'd severely.

His Lordship then proceeded to examine the Objections made to the several Clauses of the Bill, most of which he endeavoured not only to answer, but to shew, that

S s

from

from each of them there arose a strong Argument for the Necessity of passing some such Bill. Some of the Objections however he admitted, but shew'd, that they might and certainly would be made in the Committee; and concluded with saying, That he hoped he had said enough to persuade their Lordships that they ought to commit the Bill, where they might make what Alterations and Amendments they thought proper; and if any of their Lordships should not be pleased with it when so alter'd and amended, they might throw it out upon the third Reading; but this was not comply'd with, as appears by the following Protest.

Die Veneris, 9^o Maii, 1735.

Hodie 2da vice lecta est Billa, intituled, An Act for explaining and amending an Act passed in the Parliament of Scotland, in the Year One Thousand Seven Hundred and One, intituled, An Act for preventing wrongous Imprisonment, and against undue Delays in Trials. Proposed to commit the Bill.

After Debate the Question was put, Whether this Bill shall be committed?

It was resolved in the Negative, *Contents 28, Not Contents 68.*

Dissentient

1. Because we apprehend a Bill of this Nature, sent up from the House of Commons, ought at least to have undergone the Form of a Commitment; since whatever was unnecessary or wrong in it, might there have been left out or amended. But several Matters contained in the Bill, seem to us highly expedient to be passed into a Law; for, by the Law of *Scotland*, as it now stands, any Judge may, by a summary Warrant, commit Persons upon Information signed, without any Oath made, and without convening the Parties before him, or hearing what they can alledge in their own Justification, and send them to a remote Prison in any Corner of the Kingdom. No express Words in any Statute do at present forbid such a Practice, and we have great Reason to believe that some Abuse of this unlimited Power did appear before the House of Commons, which might probably give the first Rise to the Bill.

2. Because, as the *Habeas Corpus* Act is the great Security of the Liberties of this Part of the united Kingdoms, it would be, in our Opinion, both unsafe and ungenerous

generous, not to extend the same Liberty to the other. For should they, who have hitherto been brave Assertors of their Liberties, find themselves exposed to Oppressions, from which the rest of their Fellow-Subjects are secured by Law, Necessity may prompt them to attempt, by Violence, to free themselves, or Revenge provoke them to become the Instruments of Power, and bring us under the same Dependence. And the History of late Times sufficiently convince us, that in those Reigns, when arbitrary Power was design'd and attempted in this Kingdom, desperate and adventurous Agents were first sent to try the Experiment in *Scotland*.

3. Because there was a Provision in the Bill, to prevent an Abuse of seizing Persons on Pretence of Debt, and detaining them 'till the Elections were over, where they had a Right to vote; the Protection granted by the Bill was no more than what every common Court of Justice actually allows to any Evidence, whose Presence may be necessary in Matters of much less Consequence: And we cannot help testifying our Surprize, that this Regulation has not already been made over the whole united Kingdom: We hope, however, another Session will not pass without taking effectual Care to prevent such a dangerous Abuse of Law.

4. Because Experience has shewn us the Benefit which arose from delivering the Subjects of that Part of the Kingdom from their Vassalage, and freeing them from a servile Dependence on their Superiors; and, as we conceive, the Purport of this Bill was no more than a natural Extension of the same Measure, it would have been the most probable, if not the only Method to eradicate any remaining Disaffection; though we have no Ground to suppose, from any late Transactions, that there is any such. On the contrary, those who were thought the most disaffected, have lately appeared sufficiently tractable. But what Disaffection the rejecting such a Bill may create, even among the best Subjects, and those who have always been most attached to the present Establishment, we cannot reflect upon without Concern. For, as the Union was made in Support of the present Establishment, which is founded upon the Revolution, and the Revolution upon Principles of Liberty, they who have always asserted those Principles, may (as we apprehend) justly complain, that the Liberty of the Subject is not equally secured in every Part of the united Kingdom.

5. Because we are apprehensive it will appear very extraordinary to the World, that a Bill for the Security of the Liberty of the Subject, should have been thrown out of this House without a Commitment, when so many Bills have passed for laying on or continuing severe and heavy Duties upon them. Remote Apprehensions, Dangers barely possible, and Suspicions of Disaffection, have been Arguments formerly made Use of on the Side of the Crown, for enacting the severest penal Laws upon the Subject; and we conceive it still more incumbent on the Legislature to be watchful over the Liberties of the People committed to their Care, since it is much easier to restrain Liberty from running into Licentiousness, than Power from swelling into Tyranny and Oppression.

6. Because Liberty being the common Birth-right of all Mankind, and still preserved to this Nation by the Wisdom and Courage of our Ancestors, we think an Infringement of that Right, though but for an Hour, by wrongful Imprisonment, is not only an Injury to the Person immediately concerned, but a notorious Invasion of the Constitution. We should not deserve those Liberties ourselves, if we did not take the most effectual Methods to transmit them in their full Extent to latest Posterity; and to restrain, by proper Laws, any *flagitious Attempts of Ministers*, prompted by Ambition, or drove by Despair, who may at any Time hereafter endeavour to undermine or attack them. Humanity and Generosity particularly call upon us, who are distinguished by many Privileges and Advantages peculiar to ourselves, to secure to the People that Liberty which they have an equal Right to with us; a Blessing! the meanest Subject of this Kingdom ought ever to enjoy in common with the greatest.

Chesterfield,	Cobham,	Coventry,
Oxford and Mort.	Strafford,	Thanet,
Montjoy,	Bathurst,	Gorwer,
Haversham,	Litchfield,	Winchelsea,
Suffolk,	Boyle,	Northampton.
Foley,	Berkshire,	

The Question having been thus carry'd against committing this Bill, it was therefore of Course rejected.

On Thursday the 15th of May, the King came to the House of Peers, and the Commons being sent for, his Majesty gave the Royal Assent to the following publick Bills, viz.

An Act for granting an Aid to his Majesty, by a Land-Tax, to be raised in Great Britain for the Service of the Year 1735.

An Act for enabling his Majesty to apply the Sum of One Million out of the Sinking Fund, for the Service of the Year 1735.

An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings for the farther Term of four Years; and for giving farther Time for the Payment of Duties, omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

An Act for the Application of the Rents and Profits of the Estates forfeited by the Attainders of James late Earl of Derwentwater and Charles Radcliffe.

An Act to continue several Laws therein mentioned, for the better Regulation and Government of Seamen in the Merchant Service; for the regulating of Pilots of Dover, Deal, and the Isle of Thanet; for preventing Frauds in the Customs, and to prevent the clandestine Running of Goods, and for making Copper Ore of the British Plantations an enumerated Commodity.

An Act to continue an Act passed in the third Year of his present Majesty's Reign, entituled, An Act for granting Liberty to carry Rice from his Majesty's Province of Carolina in America directly to any Part of Europe Southward of Cape Finisterre, in Ships built in and belonging to Great Britain and navigated according to Law; and to extend that Liberty to his Majesty's Province of Georgia in America.

An Act to continue some Laws therein mentioned, relating to the Encouragement of the making of Sail-cloth in Great Britain, and for Encouragement of the Silk Manufactures in this Kingdom.

An Act for regulating the quartering of Soldiers during the Time of Elections of Members to serve in Parliament.

An Act to indemnify Persons, who have omitted to qualify themselves for Offices and Employments within the Time limited by Law; and for allowing further Time for that Purpose.

An Act to indemnify Protestant Purchasers of Estates of Papists, against the Penalties or Forfeitures Papists are liable to, for not having inrolled their Estates, in pursuance of an Act of the 3d Year of King George I. for that Purpose.

An Act to explain and amend an Act passed in the second Year of the Reign of his present Majesty, intituled, An Act

Act for the Relief of Debtors, with respect to the imprisonment of their Persons.

An Act for the Amendment of the Law relating to Actions on the Statute of Hue and Cry.

An Act for rendering the Laws more effectual for punishing such Persons as shall wilfully and maliciously pull down or destroy Turnpikes for repairing Highways, or Locks or other Works erected by Act of Parliament for making Rivers navigable; and for other Purposes therein mentioned.

An Act for the publick registering all Deeds, &c. within the North Riding of the County of York, after the 29th of September 1736.

An Act for the Encouragement of the Arts of Designing, Engraving and Etching Historical and other Prints, by investing the Property thereof in the Inventors and Engravers, during the Time therein mentioned.

And to ten Road and other Bills of a private Nature, and to sixteen private Bills.

After which his Majesty made the following most gracious Speech to both Houses.

My Lords and Gentlemen,

I AM glad the Business of this Session of Parliament is brought to such a Conclusion, that I have now an Opportunity of giving you some Recess, after the great Pains you have taken in the Service of your Country. On this Occasion I must, in Justice, return you my Thanks for the many Instances you have given Me of your Duty and Affection to my Person and Government, and for the necessary Provisions you have made for the publick Security, as far as the immediate Circumstances of Affairs might require.

I have consider'd with great Care and Attention, the present Situation of Europe, and duly weigh'd the Consequences that may arise from the Progress of the War, either by Means of its becoming more general, or continuing only to be carry'd on between the Powers already engaged.

An Accommodation of these unhappy Troubles, appeared to be the best Means to prevent the Dangers that are to be apprehended on either Side. In this View, Plan of Pacification was concerted between Me and the States General, with great Impartiality, and not without reasonable Grounds to hope for Success; altho' it has not had the desired Effect.

But all further Resolutions to be taken in this important and critical Conjunction, will be principally determined by future Events. This makes it impossible for Me, at present, to take the previous Advice and Concurrence of my Parliament, in such Measures as may become absolutely necessary to be entered into. But you may be assured, that my constant Concern for the publick Welfare, the Liberties of *Europe*, and, in particular, for the Felicity and Security of these Kingdoms, will never suffer me to take any Steps, but such as the Honour and Interest of my Crown and People shall call for and justify. And in the Pursuit of these desirable Ends, I do, with the best grounded Confidence, promise myself your zealous and affectionate Support.

Gentlemen of the House of Commons,

I return you my hearty Thanks for the Supplies you have with so much Chearfulness and Dispatch, granted for the Service of the current Year; which have been so effectually raised, and accompany'd with so seasonable an Augmentation of our Forces by Sea and Land, that I shall be in a Condition to make Use of them in the most advantageous Manner for the publick Service, as any Occasion that may happen to arise shall require.

My Lords and Gentlemen,

The Conduct and Prudence of this Parliament, in a Time of so great Difficulty, cannot be enough commended. The Posture of Affairs before Us required all possible Resolution, joined with Caution, neither to be unwarily involved in the present Disturbances, nor to remain unprovided against those Dangers, which are too obvious to stand in Need of any Explanation, and may either directly or remotely affect Us.

As I think it necessary this Summer to visit my Dominions in *Germany*, it is my Intention to appoint the Queen Regent here during my Absence, of whose just and prudent Administration you have, on the like Occasion, had Experience. Let Me earnestly recommend it to you, to render the Burthen of this weighty Trust as easy to her as possible, by making it your constant Study and Endeavour, as I am sure it is your Inclination, to preserve the Peace of the Kingdom, and to discountenance and suppress all Attempts to raise groundless Discontents in the Minds of my People, whose Happiness hath always been, and shall continue my daily and uninterrupted Care.

And

And afterwards the Lord Chancellor, by his Majesty's Command, said,

My Lords and Gentlemen,

It is his Majesty's Royal Will and Pleasure, that this Parliament be prorogued to Thursday the 12th Day of *June* next, to be then and there held; and this Parliament is accordingly prorogued to Thursday the 12th of *June* next.

After several Prorogations, the Parliament met again on Thursday the 15th of *January* last, when his Majesty opened the Session with the following most gracious Speech from the Throne.

My Lords and Gentlemen,

THE happy Turn, which the Affairs of *Europe* have evidently taken since the End of the last Session of Parliament, must, I am persuaded, give you all, as it does Me, the greatest Satisfaction.

I acquainted you then, that a Plan of Pacification, concerted between Me and the States General of the *United Provinces*, had been proposed to the Parties engaged in the War, which had not the Effect to prevent the opening of the Campaign: The Armies took the Field; and the War was carry'd on in some Parts, in such a Manner, as to give very just Apprehensions, that it would unavoidably become general, from an absolute Necessity of preserving that Balance of Power, on which the Safety and Commerce of the Maritime Powers so much depend.

This Consideration determined Me to persevere, jointly with the States, in repeating our most earnest Instances to the Contending Parties to agree to an Armistice, and to enter into a Negotiation for obtaining a general Peace, upon the Basis of the Plan We had proposed to them.

Whilst Affairs continued in this State of Deliberation, the Heat and Fury of the War abated; and the Emperor and the Most Christian King, in Consequence of their repeated Professions of a sincere Disposition to put an End to the War, by an honourable and solid Peace, concerted and agreed upon certain preliminary Articles, to answer that most desirable End. An Armistice is since agreed to by all the Parties engaged in the War; and the contracting Powers, in Regard to the good Offices employ'd by

by Me and the States, have communicated to Us, by their respective Ministers, the Preliminaries, desiring Our Concurrence for effectuating a general Pacification, upon the Terms thereby stipulated.

It appearing, upon due Examination, that these Articles do not essentially vary from the Plan proposed by Me and the States, nor contain anything prejudicial to the Equilibre of *Europe*, or to the Rights and Interests of Our respective Subjects; We have thought fit, in pursuance of Our constant Purpose, to contribute Our Utmost towards a general Pacification, to declare, by a joint Resolution, to the Courts of *Vienna* and *France*, Our Approbation of the said Preliminaries, and Our Readiness to concur in a Treaty to be made for bringing them to Perfection.

These Preliminaries have been likewise communicated to the Kings of *Spain* and of *Sardinia*; and altho' those Princes have not as yet, in Form, declared their final Resolutions upon them, there is great Reason to believe, that the Love of Peace, their avowed Dispositions for putting an End to the Troubles of *Europe*, and the amicable Interposition of common Friends, will prevail upon them to agree to what has been thus concerted, upon reasonable Security given them for the peaceable Possession and Enjoyment of the Countries allotted to them.

In these Circumstances, my first Care was to ease the Burthens of my People, as soon, and as far as Prudence, in the present Posture of Affairs, would permit. I have therefore order'd a considerable Reduction to be made of my Forces both by Sea and Land; and, if the Influence of the Crown of *Great Britain*, and the Respect due to this Nation, have had any Share in composing the present Troubles in *Europe*, or preventing new ones, I am persuaded you will be of Opinion, that it will be necessary to continue some extraordinary Expence, until there be a more perfect Reconciliation among the several Powers of *Europe*.

Gentlemen of the House of Commons,

I have order'd the proper Officers to lay before you the Estimates for the Service of the current Year; and I make no Doubt, but my Desire to make the Charge of the Publick as low as possible, will find in you the same Readiness to grant the necessary Supplies with Chearfulness and Unanimity.

T :

My

My Lords and Gentlemen,

I am willing to hope, this pleasing Prospect of Peace abroad, will greatly contribute to Peace and good Harmony at home. Let that Example of Temper and Moderation, which has so happily calmed the Spirits of contending Princes, banish from among you all intestine Discord and Dissention. Those who truly wish the Peace and Prosperity their Country, can never have a more favourable Opportunity than now offers, of distinguishing themselves, by declaring their Satisfaction in the Progress already made towards restoring the publick Tranquility, and in promoting what is still necessary to bring it to Perfection.

This Speech was immediately taken into Consideration by the House of Lords, and the same being read to the House, it was mov'd as follows, *viz.* To order that an humble Address be presented to his Majesty, to return the Thanks of this House for his most gracious Speech from the Throne: To express the just Sense this House hath of his Majesty's great Concern for the Balance of Europe, his Vigilance to prevent a general War, and to maintain the Security and Commerce of his Kingdoms: To declare their Satisfaction in his Majesty's Perseverance to pursue these great Ends, by endeavouring to bring the Contending Powers to an Accommodation, and the well-grounded Hopes which they always conceived, that the good Offices of his Majesty and the States General would be attended with real and beneficial Effects: To congratulate his Majesty on the pleasing Prospect of approaching Tranquility, and to express the great Satisfaction of this House upon the gracious Communication made in his Speech touching the Preliminary Articles between the Emperor and France, and the joint Resolution taken thereupon by his Majesty and the States: To acknowledge, with the greatest Gratitude, his Majesty's tender Care of his People, in preserving to them the Blessings of Peace, and to declare, that this House sees with Pleasure, in our present Situation, the Happy Effects of the extraordinary Supplies of late Years granted by Parliament: To return his Majesty the Thanks of this House for the Orders given for a Reduction of his Forces; assuring him, in the strongest Manner, that this House will zealously and chearfully concur in all such Measures as shall be necessary to secure the Safety of his Majesty's Kingdoms, and to continue the just Influence

fluence of his Crown amongst the Powers abroad : To promise his Majesty, that this House will, to the utmost, promote good Harmony and Unanimity at home, and demonstrate, by all their Actions, how much they have at Heart the effectual Support of his Majesty and his Government, the Preservation of the *Protestant* Succession, and the Peace and Prosperity of their Country.

To this Motion several Objections were made, and in particular it was proposed to leave out these Words in the fifth Paragraph, *viz. And to declare that this House sees with Pleasure, in our present Situation, the happy Effects of the extraordinary Supplies of late Years granted by Parliaments.*

The Arguments made Use of in Support of this Amendment were in Substance as follows :

My Lords,

BY the antient Usage of this House, no Speech from the Throne was ever taken into Consideration the same Day it was made. Our Ancestors were not so complaisant as to make any Compliments even to the Throne itself, without having first maturely weighed the Subject upon which they were to make their Compliments ; and therefore they always appointed a Day for taking his Majesty's Speech into Consideration ; in order that those Lords who knew nothing of the Speech 'till they heard it from the Throne, might have Time to peruse it, and to consider what might properly be said by Way of Return. This, my Lords, was the antient Custom, and this I must think was more consistent with the Honour and Dignity of this House, than that Method we have lately fallen into, of taking his Majesty's Speech immediately into our Consideration, and agreeing to such an Address as some Lords may be pleased to propose, before we can possibly have Time to consider whether it be proper or not. For this Reason I could wish we would return to our antient Custom ; and instead of agreeing or disagreeing to the Motion now made, appoint a Day for taking his Majesty's Speech into our Consideration, and order the House to be summoned for that Purpose.

As I knew nothing of the Contents of his Majesty's Speech 'till I heard it from the Throne, it cannot be presumed that I can state my Objections to the Address now proposed, in such a regular Manner as I might do, if a Day were appointed for our taking the Speech into Consideration : I believe there are a great many other

T & A

Lords

Lords in the same Circumstances with me ; and although we had, in a private Manner, been fully inform'd of the Contents of that Speech which was made, yet I do not think it regular, or consistent with the Dignity of this House, to proceed upon any such private Information. As Members of this House, we can have nothing under our Consideration, nor ought we to form our Opinion or a Resolution about any Thing, 'till it has, in a proper and regular Manner, been laid before the House ; and, in this Light, I am of Opinion none of your Lordships can say, that you have fully and maturely considered the Speech now before you ; for my own Part, I am sure I cannot ; but even from the little Time I have had to consider the Speech and the Address now moved for, I am sure I cannot pretend to say that my Hopes have been answered by the Peace that has been concluded, or by any Thing else that has happened ; for I must say, I could never form any Hopes from the Measures we have taken, or from any Account of our late Transactions that has ever been laid before this House ; and, I believe, there are many of your Lordships who have always been of the same Opinion with me ; therefore, if we resolve to mention in our Address, any Thing about our Hopes, I think we ought to say, that by various hidden Causes, and extraordinary Incidents, Providence has been pleased, without any Merit in us, to bring about a Peace, far beyond our Hopes, and even contrary to our Expectations. A Peace has, 'tis true, been brought about, but I am very certain we cannot say it is a good Peace for this Nation ; and I am much afraid it will not be so lasting as some People may perhaps imagine.

I know, my Lords, it has always been said, that no Expressions in our Address of Thanks for his Majesty's most gracious Speech from the Throne, can any Way tie up or controul the future Proceedings or Resolutions of this House, yet I hope we shall always take Care not to put any Expression or Allegation in an Address of this House, which the Generality of the World knows to be false ; and for this Reason I cannot agree to put any Words into our Address which may seem to insinuate, that the Peace was owing to any Preparations made by us, or to any Supplies granted by former Parliaments. Can it be pretended that there is the least Ground for any such Insinuation ? Can it be said that our adding 6 or 7000 Men to our Land Forces had so frightened *France*, as to make them give up any of those Pretensions they had seriously

seriously at Heart? Can it be alledged, that our Squadrons made them give up the Affair of *Poland*, when the whole World knows we never sent so much as one Ship into the *Baltick*? Or can it be said that our Squadrons set Limits to any of their Designs in *Italy*, without ever appearing in the *Mediterranean*? Whatever his Majesty's Endeavours were, we may judge from the Event that he could have no Hand in the Peace that has been concluded; for I am convinced, his Majesty never did nor ever would use the least Endeavours for annexing to the Crown of *France* for ever the whole Dominions of the Duke of *Lorrain*: This, my Lords, is a Cession which this Nation, as well as the rest of *Europe*, may soon have Reason to repent of: It is a Measure which I am sure his Majesty would never propose or countenance; and if any of his Ministers did so, I call upon them now to declare it: But I believe no one of them will dare to own any such Thing; and as this was apparently the Motive which induced *France* to sacrifice all her other Views, as well as most of the Views of her Allies, how can we say in our Address, with any Appearance of Truth, that the Peace was owing to our Preparations, or any of his Majesty's Endeavours? Or how can we from thence declare, that we see with Pleasure, the happy Effects of the extraordinary Supplies of late Years granted by Parliaments? Therefore, if your Lordships are resolved to agree immediately upon an Address of Thanks, I hope you will leave these Words out of your Address; for I cannot think any of your Lordships will say, you see with Pleasure the Dominions of *France* enlarged, by the Accession of such an extensive and convenient Country as that of the Dutchy of *Lorrain*.

For want of Room to finish this Debate, we shall close this Number with the Address which was carry'd without a Division, and agreed to as follows:

The humble Address of the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

Die Jovis, 15 Januarii, 1735.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave to return your Majesty our sincere
and

and most humble Thanks for your most gracious Speech from the Throne. The Experience we have had of your Majesty's just Apprehensions of the Consequences of the War, and of your Vigilance to prevent its becoming general, filled our Minds with the strongest Assurances, that the Preservation of the Balance of Power, and of the Safety and Commerce of your Kingdoms, are the governing Motives of your Majesty's Conduct.

These Principles, truly worthy of a King of Great Britain, we have seen exerted with a Perseverance superior to all Difficulties, by your uninterrupted Endeavours to bring the contending Powers to an Accommodation, in order to the obtaining a general Peace: And when we considered your Majesty's Firmness, and the Weight which this Nation ought to have in the Affairs of Europe, we always conceived well-grounded Hopes, that your Royal Wisdom, and the good Offices employ'd by your Majesty, in Conjunction with the States-General, would be attended with real and beneficial Effects.

Permit us, Sir, on this Occasion, to congratulate your Majesty upon the agreeable Prospect of an approaching Tranquility, which you have had the Goodness to lay before us; and to profess the great Satisfaction we feel, on your having communicated to us, that the Preliminary Articles agreed upon between the Emperor and the Most Christian King, appeared, upon a due Examination, to be such as induced your Majesty and the States, by a joint Resolution, to declare your Approbation thereof, and your Readiness to concur in a Treaty to be made for bringing this Work to Perfection.

The Union and Harmony, which hath so happily subsisted between your Majesty and that Republick, will, we trust, be productive of such further good Consequences, as may effectuate a general Pacification: And the glorious Example which your Majesty hath held forth to other Princes, of preferring the Love of solid and honourable Peace, to the Views of restless Ambition, together with the amicable Interposition of common Friends, will, we doubt not, prevail entirely to put an End to the present Troubles.

Your Majesty's tender Care of your People, in preserving to them the Blessings of Peace, whilst other Countries have been harrassed with War, calls for our most thankful Acknowledgments, which we beg Leave to lay at your Royal Feet.

The extraordinary Supplies of late Years necessarily raised by your Parliament, however unwilling to burden their Fellow Subjects, have been the Result of their just Confidence, that all Powers reposed in your Majesty, would be made Use of only for the Honour of your Crown, and the Welfare of your People.

It is with the greatest Pleasure we now see the happy Effects of these Measures, in our present Situation; nor could we entertain the least Doubt, but that your Majesty would improve the first Opportunity to lessen this Expence, as far as Prudence and the Posture of Affairs would permit. In this View, we beg Leave to return our unfeigned Thanks for the Orders which your Majesty hath graciously been pleased to give, for making a considerable Reduction of your Forces, both by Sea and Land; and we cannot accompany those Thanks with a more becoming Proof of our Gratitude, than by assuring your Majesty, as we most sincerely do, that we will zealously and chearfully concur in all such Measures, as shall be necessary to maintain the Security of your Kingdoms, and to continue the just Influence of your Crown among the Powers abroad.

We are deeply sensible of your Majesty's unweary'd Labours to make us a happy People. Nothing shall be wanting on our Part to render those paternal Labours effectual, by promoting good Harmony and Unanimity at home, and by demonstrating in all our Actions, how stedfastly we have at Heart, the zealous and vigorous Support of your Majesty and your Government; the Preservation of the Protestant Succession in your Royal House, and the Peace and Prosperity of our Country.

The

The Bill of Mortality for the Year 1736.

BV the General Bill of all the Burials in this City and Suburbs, from the 9th of *December* 1735, to the 7th of *December* 1736, it appears, that in the 97 Parishes within the Walls, were bury'd 2398.

And in the five largest Out-Parishes, as follows, *viz.*

S. Dunstan Stepney	1093	S. Martin in the Fields	1478
S. Giles Cripplegate	640	S. James Westminster	1243
S. Giles in the Fields	1215		

Casualties this Year.

Broken Limbs	3	Made away themselves	65
Burnt	3	Murder'd	9
Drown'd	120	Overlaid	104
Excessive Drinking	64	Scalded	1
Executed	8	Starv'd	3
Found dead	35	Strangled	1
Kill'd by Falls, and several other Accidents	38		

In all 455.

Aged 1918. Convulsions 7924. Fever 3361. Small-Pox 3014.

Christen'd, Males 8471. Females 8020. In all 16491.
Buried, Males 13695. Females 13886. In all 27581.

Increas'd in the Burials this Year 4043.

THE
Chronological Diary
For the Year 1736.

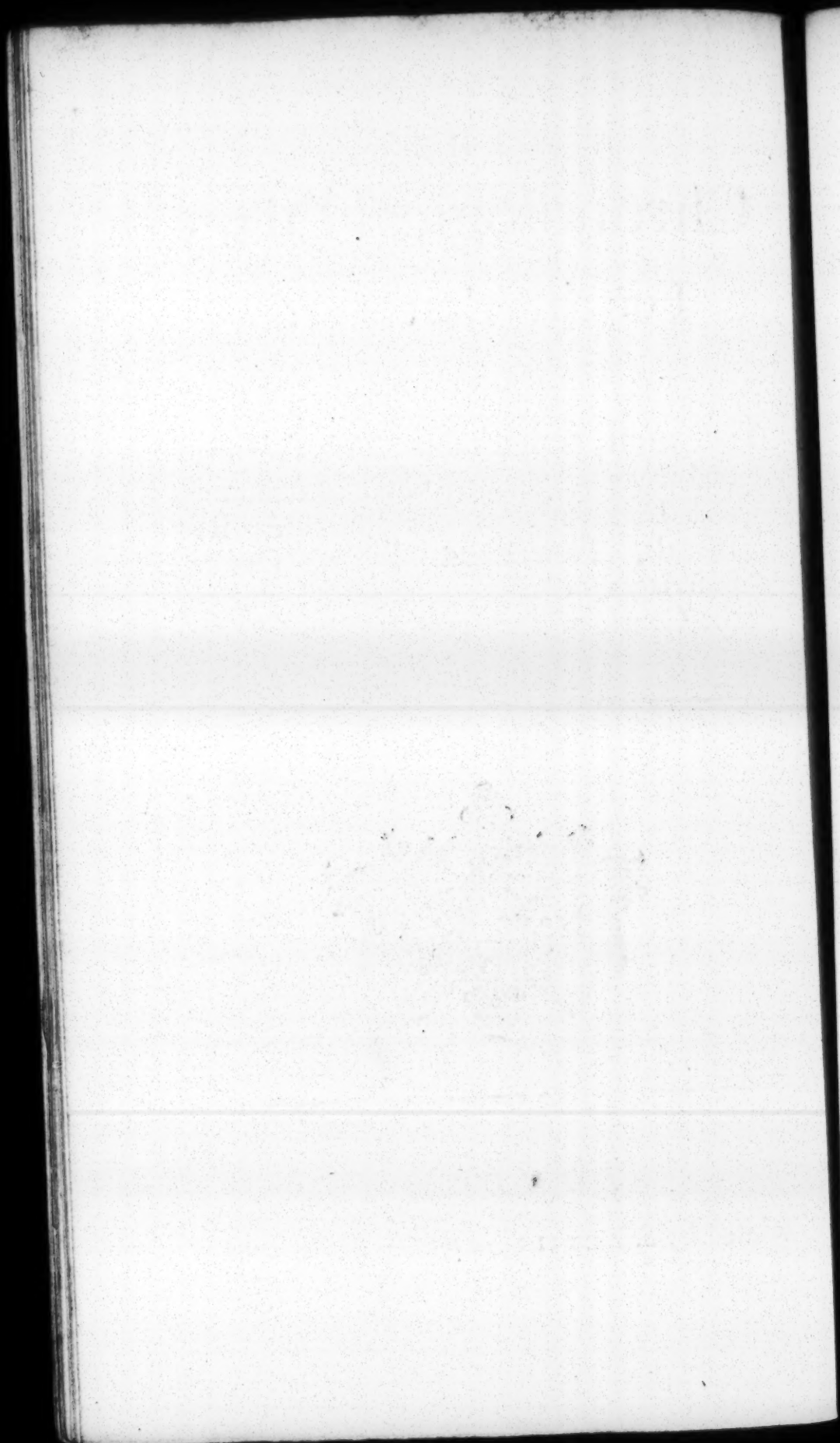
CONTAINING

The most remarkable Transactions
and Events, as well Civil as Military,
and Domestick as Foreign, *viz.* Re-
movals, Promotions, Births, Deaths,
Marriages, &c. that happen'd during
the Course of that Year.



L O N D O N :

Printed by S. NEVILL, *in the Old-Baily*, 1736.



T H E

Chronological Diary, &c.

Continuation of Preferments in December, 1735.

Philip Jennings, Esq; made Secondary of the Poultry Compter, in the Room of his Brother, who resign'd.

James Coventry Bulkeley of Burgate in Hampshire, Esq; chosen Verdurer of the new Forest in that County.

George Whitehorn, Esq; made Captain of one of the Independent Companies at Jamaica.

Philip Lucas, Esq; made a Captain in General Sutton's Regiment of Foot.

Thomas Evans of Newport in Hampshire, Esq; made a Captain in the Blue Regiment of Horse Guards.

The Rev. Mr. Brewston, presented to the Rectory of St. Mary Watts near Bristol, worth 200 l. per Ann.

Mr. Rawlins made Register of Barbadoes, in the Room of Robert Warren, Esq;

Counsellor Clayton of the Temple, appointed Deputy-Steward of Westminster, in the Room of John Lotton, Esq; who resign'd.

Mr. Latman appointed Page of the Presence to the Prince, in the Room of Mr. Westfall, made Gentleman of the Ewry.

Mr. Samuel Gibbons appointed Stationer to the Prince of Wales, in the Room of Jacob Tonson, Esq; deceas'd.

Mr. Charles Townly, created ~~Pursuivant at Arms for the County of York.~~ *Herald*

The Right Hon. the Lord Shannon, made General of the Horse: And,

The Marquess of Montandre, General of the Foot.

Lieutenants General.

Richard Sutton,
Andrew Bisset,
Humphry Gore,
Philip Honeywood,

Henry Grove,
Lord Mark Kerr,
Robert Napier,
Robert Dalzell,
James Dormer,
Thomas Panten.

A 2

Majors

Majors-General.

Sir James Wood,
 Albert Borgard,
 Francis Columbine,
 Richard Franks,
 Charles Churchill,
 William Barrell,
 Jasper Clayton,
 Piercy Kirke,
 Paul de Gually,
 John Moyle,
 Gervais Parker,
 James Tyrrel,
 Edmund Fielding,
 John Peter Desbordes,
 William Kerr,
 Earl of Hertford,
 Sir Robert Rich,
 David Montolieu Baron de
 St. Hippolite,
 Lord Dunmore,
 Lord Scarborough,
 Duke of Montagu,
 Lord Pembroke,
 Lord Moleworth,
 Lord Harrington,

Brigadiers-General.

John Cavalier,
 Balthazar Foizac,
 Sir Daniel Carroll,
 Theodore Vezey,

Andrew de Boismorell,
 Richard Kane,
 Charles Cockburne,
 James Douglass,
 James Campbell,
 Clement Newill,
 Sir John Arnott,
 William Hargrave,
 Henry Cornwall,
 Henry Harrison,
 Edward Montagu,
 Thomas Howard,
 John Cope,
 John Middleton,
 John Ligonier,
 Peter Campbell,
 John Orfeur,
 James Scott,
 Thomas Jones,
 Richard Philips,
 Roger Handasyd,
 Henry Hawley,
 John Armstrong,
 Lord Tyrawley,
 Joshua Guest,
 Lord Catherlogh,
 Sir Adolphus Oughton,
 Lord Cathcart,
 Charles Otway,
 Robert Murray,
 William Cosby,
 Henry Berkley,
 Phineas Bowles,
 Lord Cadogan,
 Philip Anstruther.

SHERIFFS appointed by his Majesty for the Year
 ensuing.

For ENGLAND.

Bedford	John Crawley, Esq;
Berks	Robert Gayer, Esq;
Bucks	John Pollard, Esq;
Cambr' and Hunt'	Jeremiah Rist, Esq;
Cheshire	William Dodd, Esq;
Cumberland	John Dalstan, Esq;

Derbyshire

Derbyshire	Godfrey Watkinson, <i>Esq</i> ;
Devonshire	Samuel Rolle, <i>Esq</i> ;
Dorsetshire	Samuel Serrell, <i>Esq</i> ;
Essex	
Gloucestershire	John Gladwin, <i>Esq</i> ;
Herefordshire	
Hertfordshire	John Dean, <i>Esq</i> ;
Kent	Abraham Spencer, <i>Esq</i> ;
Leicestershire	Charles Bosuille, <i>Esq</i> ;
Lincolnshire	Joseph Banks, <i>Esq</i> ;
Monmouthshire	William Bomer, <i>Esq</i> ;
Norfolk	William Henry Fleming, <i>Esq</i> ;
Northamptonshire	William Wake Jones, <i>Esq</i> ;
Northumberland	Henry Gray, <i>Esq</i> ;
Nottinghamshire	
Oxfordshire	Sir Edward Cobbe, <i>Bart</i> .
Rutlandshire	George Cooke, <i>Esq</i> ;
Shropshire	
Somersetshire	Orlando Johnson, <i>Esq</i> ;
Southampton	John Butler, <i>Esq</i> ;
Staffordshire	Charles Baldwin, <i>Esq</i> ;
Suffolk	John Currance, <i>Esq</i> ;
Surrey	Joseph Chitty, <i>Esq</i> ;
Sussex	Henry Lintott, <i>Esq</i> ;
Warwickshire	John Matthews, <i>Esq</i> ;
Wiltshire	Ed. Mortimer, <i>Esq</i> ;
Worcestershire	Isaac Snow, <i>Esq</i> ;
Yorkshire	

For SOUTH WALES.

Brecon,	Thomas Chamberlain, <i>Esq</i> ;
Carmarthenshire	William Penry, <i>Esq</i> ;
Cardiganshire	Bennet Dyer, <i>Esq</i> ;
Glamorganshire	Hopkin Rees, <i>Esq</i> ;
Pembrokeshire	
Radnorshire	John Williams, <i>Esq</i> ;

For NORTH WALES.

Anglesea	Richard Roberts, <i>Esq</i> ;
Carnarvonshire	Humphry Owen, <i>Esq</i> ;
Denbighshire	Edward Lloyd, <i>Esq</i> ;
Flintshire	Humphry Parry, <i>Esq</i> ;
Merionethshire	John Mytton, <i>Esq</i> ;
Montgomeryshire	Edward Glynn, <i>Esq</i> ;

Marriages.

Marriages.

William Morgan of Richmond, Esq; marry'd to Miss Emerson of Holly Port, Berkshire, a Fortune of 15000 l.

William Sharw of Chelsea, Esq; to Miss Lane of Southampton, a Fortune of 14000 l.

The Rev. Dr. Mobre, to Miss Maud, with a Fortune of 10000 l.

The Right Hon. the Countess Dowager of Dyfart, to Warren of Cheshire, Esq;

Pinkney Wilkinson, Merchant, to Miss Thurloe, a young Lady with 30,000 l. Fortune.

Ambrose Gower, Esq; to Miss Knight, with 8000 l. and 200 l. a Year.

Kendrick Clayton, Esq; to Miss Herring, with 20,000 l.

Ralph Pannel, Esq; to Miss Constantia Ereskine, Niece to Duke Hamilton, and a Fortune of 24000 l.

James Titus of Southwark, Hop-Merchant, to Miss Forth of Putney, with 14000 l.

Thomas Clench of Kemskott, Oxfordshire, Esq; to Miss Atkins, with 16000 l.

Richard Page, Esq; to Miss Anne Herne, with 12000 l.

Jacob Morgan of Isleworth, Esq; to Miss Fotherby of Richmond, worth 12000 l.

Thomas Gladman of Barnet, Esq; to Miss Lane, with 8000 l. and 200 l. a Year.

John Reynolds of Hastings, Esq; to Mrs. Malden, with 15000 l.

Josiah Harwood of Stretham, Esq; to Miss Broughton, with 15000 l.

George Shelley of Broxholm, Oxfordshire, Esq; to Miss Ladyman, with 7000 l.

George Hook of Lewes, Esq; to Miss Humphreys, with 8000 l.

William Lacey of Lymington, Hampshire, Esq; to Miss Meyers, with 8000 l.

Dr. Butts, Bishop of Norwich, to Miss Reynolds.

Mr. John Blackall, a Wholesale Grocer, to Miss Kirby, with 6000 l.

Samuel Byam, Merchant, to Miss Grace Warner of Eltham in Kent, with a considerable Fortune.

George Capel of Watford, Esq; to Miss Jane Russel of Harrow on the Hill, with 8000 l.

Charles Buckworth, Esq; to Miss Brockley, with 8000 l.

George Laws of Wiccomb, Bucks, Esq; to Miss Castle of Chelsea, with 6000 l.

John Medlycot of *Parson's Green*, Esq; to *Miss Clifton*, with 8000*l.*

John Bostock of *Maidenhead*, Esq; to *Miss Edwards*, an Heiress, with 16000*l.* Fortune.

George Ogle, Esq; to *Miss Frances Twysden*, Daughter of the late *Sir Thomas Twysden* of *East-Packham* in *Kent*.

Stephen Lowther of *Lancaster*, Esq; to *Miss Houghton* of *Grosvenor-street*.

Mr. Samuel Crisp, to *Miss Hudson*, with 6000*l.*

Isaac Fagg, Esq; to *Miss Bird*, with 5000*l.*

Mr. Hopkins, Timber-Merchant, to *Miss Blacey*, with 5000*l.*

Champion Beale, Esq; to *Miss Wilson*.

Edward Cadrofs, Esq; to *Miss Ferrey* of *Cumberland*.

Births.

The Hon. *Mrs. Townshend*, Wife to *Col. Townshend*, safely deliver'd of a Daughter.

The Right. Hon. the Lord *Nassau Paulet's* Lady deliver'd of a Son.

The Lady of *Sir Robert Grosvenor*, Bart. brought to Bed of a Daughter.

The Right Hon. the Lady Viscountess *Torrington*, of a Son and Heir.

The Right Hon. the Lord *Monson's* Lady deliver'd of a Son and Heir.

The Hon. *James Brudenel's* Lady, of a Son. *M. C.*

The Wife of *Thomas Hunter*, Esq; Son to the late Governor *Hunter*, deliver'd of a Daughter.

Deaths.

Dy'd of a Fall from his Horse, *Edward Baldwin* of *Shrewsbury*, Esq;

— *Mr. Monicot*, a rich Apothecary, of *Greek-street*, near *Soho-Square*.

— *Mr. John Ellis*, one of the Chaplains of *New College, Oxford*, much esteemed for his fine Voice, and genteel Manner of Singing.

— The Right Hon. *Mary Baronefs Dowager Foley*, Mother of the present Lord *Baron Foley*.

— At *Edinburgh* the Right Hon. the Countess Dowager of *Airly*, Wife of *Sir Alexander Macdonald* of *Slate*, Bart.

— At *Bath*, *John Russel*, Esq; Brother to the late Major-General *Russel*, Governor of *Fort William* in *Bengal*.

Dy'd

Dy'd at *Dublin*, the Right Rev. Father in God, Dr. *Edward Tennison*, Lord Bishop of *Ossory* in *Ireland*.

— *Mrs. Turner*, a rich Widow Lady, of *Queen-Square* by *Ormond-street*.

— *Mrs. Arabella Byerley*, one of the Daughters and Coheireffes of *Col. Byerley* of *Goldsborough* in *Yorkshire*.

— The Right Hon. *Anne* Lady Viscountess *Palmerston* of the Kingdom of *Ireland*.

— At *Bath*, *Sir William Stanton*, formerly Captain of a Man of War.

— The Right Rev. Father in God, Dr. *Thomas Tanner*, Lord Bishop of *St. Asaph*, and Canon of *Christ Church, Oxen*.

— The Rev. *Nicholas Zinzeino*, M. A. formerly Rector of *St. Martin's Outwich*, which he chose to relinquish, rather than take the Oaths at his late Majesty's Accession.

— *Thomas Horne*, Esq; Accomptant-General to the Post-Office.

— *Sir Brownton Sherrard*, Bart.

— *James Drumond* of *Derbyshire*, Esq; formerly a great Turkey Merchant, worth 50,000 l.

— At *Boulogne* in *France*, the Hon. *Henry Bertie*, Esq; Brother to the Right Hon. the Earl of *Abingdon*.

— At *Dublin*, the Lady *Jane Douglass*, Relict of *Sir Robert Douglass* of *Glenberry* in *Scotland*, who being Colonel of the Regiment of Foot now commanded by the Earl of *Orkney*, was kill'd at the Battle of *Steenkirk* in *Flanders*, in the Year 1692.

— The Right Hon. *Sir Robert Eyre*, Kt. Lord Chief Justice of his Majesty's Court of Common-Pleas, and one of the Governors of the *Charter-house*.

— *Peter Beckford*, Esq; in *Jamaica*, worth 300,000 l.

— Miss *Holton*, Daughter of — *Holton* of *Farley Castle, Wilts*, Esq; a great Fortune.

— *Thomas Neale* of *Mortlack, Surrey*, Esq;

— *George Woodward*, Esq; Envoy at *Warsaw*.

— *Bowater Vernon*, near *Worcester*, Esq;

— At *Barnet*, *Philip Swinford*, Esq;

— — *Finch* of *Tenterden, Kent*, Esq;

— At *Preston, Gloucestershire*, Capt. *Roger Monver*.

— At *Stonely, Warwickshire*, *George Bradshaw* Lang. Esq; aged 90.

— *Robert Goodshaw* of *Maidenhead*, Esq; lately marry'd to a great Fortune.

— *George Godain* of *Glamorgan*, Esq;

Dy'd

- Dy'd at Brompton, Andrew Holyhead, Esq;
 — The Rev. Mr. Darby, Rector of Comb in Suffolk.
 — Samuel Oliver of Denbighshire, Esq; just as he came of Age to an Estate of 3000 £ a Year.
 — George Wareham of Shrewsbury, Esq; he had lately marry'd a Fortune of 12,000 £ .
 — Hugh Griffith, Vicar of Betelworth, Surry.
 — At Westminster, George Ayloff, Esq;
 — Mr. Hollis, Governor of Guy's Hospital.
 — The Rev. Nathaniel Collington, M. A. Rector of Pluckley in Kent.
 — The Rev. Mr. John Burton, M. A. Vicar of Selling near Feversham in Kent.
 — Mr. Forman, an eminent Haberdasher in Cheapside.
 — Francis Eyles of Earnshill, Somersetshire, Esq; a Director of the South-Sea Company, Anno 1720.
 — Capt. George Fishard, drown'd in the Thames.
 — Samuel Roubrey of Colebrook, Esq; worth 200,000 £ .
 — Dr. Sibthorpe, lately come from Ireland.
 — The Rev. Mr. Eden, Vicar of Hartburne in Northumberland, aged 90.
 — Mr. Abraham Rudhall, a very eminent Bell-Founder in Gloucester.
 — Frederick Tully of Berks, Esq;
 — Thomas Peploe of Sackville-street, Esq;
 — George Spencer Frazier of Cornwall, Esq;
 — At Norwich, the Rev. Mr. John Cropps.
 — James Elding of Cambridgeshire, Esq;
 — Joseph Rogers of Worcester, Esq;
 — Mr. John Elliot, a very considerable Merchant.
 — At Haerlem in Holland, John Clowey of Lancaster, Esq;
 — Thomas Taton of Bucks, Esq;
 — Joseph Digby of Huntingdon, Esq;
 — John Holgate of Hertfordshire, Esq;
 — George Philips of Apulby, Westmoreland, Esq;
 — At Ludlow in Shropshire, John Wise, Esq;
 — At Penryn, Cornwall, Edward Bendish, Esq;

JANUARY, 1736.

Preferments.

Mr. George Jackson, a private Gentleman in the First Troop of Life-Guards, made Captain of a Company in Col. Kane's Regiment of Foot at Minorca.

Robert Trevor, Esq; appointed Secretary to his Majesty's extraordinary Embassy to the States General.

B

Mr.

Mr. Lyons, appointed a Surveyor of the Window-Lights for the Tower-Hamlets.

John Searle, Esq; made Accomptant-General of the Post-Office.

William Greaves of the Inner-Temple, Esq; made Writer to the Great Seal.

William Clavering, Esq; made Captain of a Company in General Dormer's Regiment of Foot in Ireland.

His Majesty having erected a new Post of Honour, under the Title of Field-Marshal of the Armies of Great Britain, conferr'd the same on his Grace the Duke of Argyle, and the Right Hon. the Earl of Orkney.

George Bere, Esq; made a Captain in the Royal Regiment of Grey Dragoons, commanded by Colonel James Campbell.

Capt. Thomas Balgrave, made Major of Col. Hamilton's Regiment of Foot.

Mr. Charles Shaw, formerly a China Man in Cheapside, made Comptroller of the Customs at Whitehaven in Cumberland.

Thomas Reeve, Esq; one of the Justices of the Court of Common-Pleas, made Lord Chief Justice of the said Court.

Sir John Comyns, Kt. one of the Barons of the Exchequer, made one of the Justices of the Court of Common Pleas. And,

William Fortescue, Esq; Attorney-General to the Prince of Wales, and Member of Parliament for Newport in Hampshire, made one of the Barons of the Exchequer.

George Goodwin, Esq; made Captain of a Company in General Kirk's Regiment of Foot at Gibraltar.

Capt. Henry Panton, of the Queen's Royal Regiment of Horse, made one of the Equeries to his Majesty.

Robert Pauncefort, Esq; made Attorney-General, and Richard Hollins, Esq; Solicitor-General to the Prince of Wales.

Dr. Maddox, Clerk of the Closet to her Majesty, made Bishop of Landaff, in the Room of Dr. Harris, translated to the See of St. Asaph, in the Room of Dr. Tanner, deceas'd.

His Grace the Duke of Leeds, appointed a Lord of his Majesty's Bedchamber.

Lord Charles Hay, made a Captain of Dragoons in Ireland.

Capt. Murean, made Lieutenant-Colonel of Colonel Middleton's Regiment.

Capt. *Elwill*, appointed to the Command of a Company in Col. *Philips's* Independent Regiment in *America*.

Duke of *Montagu*, sworn one of his Majesty's Most Hon. Privy Council.

Sheriffs appointed.

<i>Essex</i>	William Dawtrey, Esq;
<i>Nottinghamshire</i>	Aſton Burnell, Esq;
<i>Shropshire</i>	Thomas Lloyd, Esq;
<i>Staffordshire</i>	Ralph Adderley, Esq;
<i>Wiltshire</i>	Richard Baskerville, Esq;
<i>Yorkshire</i>	James Huſſler, Esq;
<i>Pembrokeshire</i>	William Philips, Esq;

Mr. Serjeant *Eyre*, appointed one of his Majesty's Serjeants at Law.

Chambre Lewis, Esq; made Assistant-Comptroller-General of the Customs and Salt Duty in *Scotland*.

Mr. *George Marshal*, made Comptroller of the Customs at *Plymouth*.

The Earl of *Wigton* appointed his Majesty's Chamberlain for the County of *Fife* in *Scotland*.

Earl of *Crawfurd*, Lord Lieutenant of *East Lothian* in *Scotland*.

Henry Cobham, Esq; Master of the Robes in the Kingdom of *Ireland*.

Robert Willimot, Esq; declared Alderman of *Lime-street Ward*, in the Room of Sir *Richard Hopkins*, deceas'd.

Don Lewis, youngest Son of the King of *Spain*, lately made Archbishop of *Toledo*, has been since made a Cardinal, tho' but in the ninth Year of his Age.

Dr. *Haley* made one of the Prebendaries of *Winchester*, and Dean of *Ghicheſter*, in the Room of Dr. *Newey*, deceas'd.

Mr. *Jenkins* made Reader of the Royal Chapel at St. *James's*, in the Room of Mr. *Clarke*, who resign'd.

Marriages.

Lord *North* and *Guilford*, marry'd to the Lady Viscountess *Lewisham*, Sister to Sir *John Kay*, Bart.

John Tilly of *East Donyland*, Esq; to the Relict of *Richard Marſh* of *Malden*, Esq; with 800*l.* per Ann.

— *Haliburton* of *Pitcur* in *Scotland*, Esq; to Miss *Burnet*, only Child of *Gilbert Burnet*, Esq; one of the Commissioners of Excise, a 12000*l.* Fortune.

Jacob Wright of Wandsworth, Esq; to Miss Powis of Higham Ferrers, Northumberland, with 12000 l.

James Hamilton of Dunbarton, Scotland, Esq; to Miss Jane Bristow of New Bond-street, with 10,000 l.

Truelove Morlack, Esq; to Miss Henrietta Pool, 8000 l.

George Philips of Dover, Esq; to Miss Freeman of Brompton, a Fortune of 12000 l.

Sir John Barnard of Huntingdonshire, Bart. to the youngest Daughter of Sir Francis St. John of Northamptonshire, Bart. a Lady of 30,000 l. Fortune.

Dodding Lyd, Esq; to Miss Louisa Coatsworth, with 20,000 l.

Capt. Micklefon, to Miss Ingoldsby, with 8000 l.

Mr. Thomas Steele of Castle-yard, to Miss Owen of Chancery-lane, with 10,000 l.

John Bromwel Jones, Esq; to Miss Holden of Stepney, with 10,000 l.

Reynberry of Hammersmith, Esq; to Miss Jane Allen, a Fortune of 13000 l.

Nathaniel Bowes of Surry, Esq; to Miss Frances Polts, Fortune of 12000 l.

William Fielding of Kensington, Esq; to Miss Lake of Brompton, with 8000 l.

Arthur Chetway, Esq; to Miss Louisa Ongley of Middlesex, a Fortune of 15000 l.

Dr. Chance, an eminent Physician, to Miss Molly Ta-hourdin, with 800 l.

Edward Hales, Esq; Brother to Sir Christopher Hales, to Miss Bertie.

Foulks, Esq; to Miss Wilson, Daughter of Col. Wilson of Delahaye Street, Westminster.

Lehunt, Esq; Counsellor at Law, and Member of the Irish Parliament, to Miss Reeves of Dublin, with a considerable Fortune.

Capt. Jacob Robinson of the Royal Regiment of Horse commanded by the Duke of Argyle, to Mrs. Murray of Staines, a Widow Lady.

Charles Lutterel of Scotland Yard, Esq; to Miss Laws of Isleworth.

James Gage of Petworth in Sussex, Esq; to Miss Mary Robinson, Daughter of Gilbert Robinson of Fulham, Esq;

Births.

The Lady of Sir Robert Brown, Bart. Member of Parliament for Iwelcheffer in Somersetshire, brought to Bed of a Daughter.

The

The Right Hon. the Countess of Glenorchy, safely deliver'd of a Son.

The Right Hon. the Lady Viscountess Baltimore in the Kingdom of Ireland, deliver'd of a Daughter.

The Lady of Sir James Wood, of a Daughter.

Deaths.

Dy'd Craven Kinnerley, Esq; late High Sheriff for Staffordshire, of a Shot in his Thigh, from a Gun which the Keeper of his Park having laid down, was discharged by a Greyhound running over it. His Thigh was cut off, and his Groom's Arm, which was shot through by the same Bullet, but he is recover'd.

— At Amsterdam, Mons. Le Clerc, Professor of Philosophy and History, well known for the Number of curious Tracts he has publish'd. He was about 79 Years of Age, being born on the 1st of March, 1657, and has left Books enough of his own compiling, to furnish out a good Library.

— Mr. Jenkins, Steward to the Right Hon. Sir Robert Walpole.

— Sir Richard Hopkins, Kt. Alderman of Lime-street Ward, Sub-Governor of the South-Sea Company, Governor of the London Assurance Company, and senior Alderman below the Chair, worth 100,000*l*.

— The Lady Jane Bell, Relict of Sir Hugh Bell, at Rochester.

— Isaac Manley, Esq; Post-Master General of Ireland, at Dublin.

— James Halsey, Esq; Serjeant of his Majesty's Academy, aged 90.

— Clement Cornwall, Esq; a Turkey Merchant.

— Edward Southwell, Esq; Captain of Grenadiers in General Dormer's Regiment.

— Sir Everard Lowthorp of the Kingdom of Ireland, Bart. at Paris.

— Lady Ashton, Wife of Sir Ralph Ashton, near Manchester.

— Sir Bulstrode Peachy, ~~Kt.~~ *Knight Esq.* worth 200,000 *l*.

— Lady Eyre, Relict of Sir Charles Eyre of Kew Green.

— Lady of Sir Edward Hare, Bart. *Ralph*

— Captain Harris at Mile-End.

— The Lady Catharine Sheldon, Wife of John Sheldon of Croydon, Esq; Relict of William Phipps, Esq; (Son of Sir Constantine Phipps) and Daughter of her Grace the Dutchess of Buckingham, by her first Husband the Earl of Anglesea.

Dy'd

Dy'd, Mr. John White, a Butcher in Newgate-Market, worth 10,000*l*.

— Major-General Sutton's Lady, in Queen-street.

— Sir Christopher Musgrove, Bart. at Eden-Hall, Northumberland.

Stephen Martin Leake of Mile-end, Esq; and old Commander of the Navy.

19 Feb. Sir James Horw of Wilts, Bart.

— Mr. Pontifex, a Farmer, shot dead and robb'd, going from High-Wicomb.

— Mrs. Elizabeth Hooke, Relict of — Hooke, Esq; formerly a Welch Judge. She was Daughter to the famous Major-General Lambert.

— Mr. Wilcox, Clerk of the Vintners Company.

— At his Seat of Ochtertire, Perthshire, Sir Patrick Murray, Bart.

— At his House at Fulham, Henry Howard, Esq;

— At Hamstead, John Huggins, jun. Esq;

— Lady Viscountess Dowager Kingstand, Mother to the Lord Viscount Kingstand in Ireland.

— Thomas Liell, Esq; many Years Captain, and sometime Commodore in the Royal Navy.

— Lady Lowther, Wife of Sir William Lowther, Bart.

— At Binfield, Berks, aged 90, Robert Lee, Esq; senior Verdurer of Windsor Forest.

— At Thames Ditton, the Lady Burton, Relict of the late Sir Francis Burton, Bart.

— Thomas Coaterich, Esq; formerly a Captain in the Navy.

— Mrs. Bosworth, Mother of John Bosworth, Esq; Chamberlain of London.

— At Dublin, the Countess Dowager of Fingall.

— Mr. Charles Hendron, an eminent Italian Merchant.

— Mr. Springwell, a noted and wealthy Apothecary in Thames-street.

— At Paris, Sir William Kennedy of Mount Kennedy in the Kingdom of Ireland, Bart.

— At Woolwich in Kent, George Simpson, Esq; formerly a Captain in the Navy.

— At Lambeth, the Lady Hall, Relict of the late Sir Thomas Hall, Kt.

— At Boston in Lincolnshire, Roger Gale, Esq; formerly Deputy-Governor of Guernsey and Cornet Castle.

— At Dublin, the Lady Bellew, Relict of Sir John Bellew, Bart.

Dy'd

Dy'd at Wells in Somersetshire, Nathaniel Gibbons, Esq; who had been one of the Gentlemen Ushers to King William.

— At Stratford in Essex, Capt. John Weck, formerly a Captain in the Navy.

— At Bath, Col. Joseph Smith, Captain of a Company of Invalids, and some Time Aid de Camp to his late Majesty.

— ——— Long of the County of Devon, Esq; one of the Clerks to the Auditors of the Imprest.

— Norreys Fins of Lincolnshire, Esq; an old Nonjuror.

FEBRUARY.

Preferments.

—— Kellet, Esq; appointed Gentleman Usher and Quarterly Waiter to his Majesty.

Peter Montrose, Esq; made Captain of a Company in the Regiment of Irish Fusileers.

Sir Marmaduke Wyville, Bart. made Postmaster General of Ireland.

The Hon. Arthur Hill, Esq; and Mr. ——— Broderick, Son of the Rev. Dr. Broderick, one of the Prebendaries of Westminster, appointed Joint-Registers of Deeds and Conveyances in Ireland.

Thomas Wilson, jun. of St. Margaret's, Westminster. Esq; made one of the Clerks to the Office of Privy Seal, and Clerk of the Court of Requests.

John Strange of the Middle Temple, Esq; appointed one of his Majesty's Counsel learned in the Law.

Samuel Long, Esq; appointed Register of the Warrants in the Port of London.

~~The Rev. Mr. Wilson, Son of the Bishop of Man, presented to the Rectory of St. Kedaft, Foster-lane, London.~~

Mr. Richard Hazard made chief Examiner at the Excise Office, for the Duties on Soap, Callicoe, &c.

Thomas Burges, Esq; made a Captain in the Third Regiment of Guards.

Capt. Braddock made Colonel of a Company in the Second Regiment of Guards.

Ensign Needham made a Captain in the said Regiment.

Hercules Baker, Esq; formerly a Commander in the Navy, made Treasurer of Greenwich Hospital.

Mr. Syburg, Son of the late Lieutenant-General Syburg, made Page of Honour to the Prince of Wales.

—— Webb,

— *Webb*, Esq; made Captain of a Company in the Regiment of Foot commanded by Colonel *Middleton*.

Alexander Home, Esq; Advocate, made Keeper of the Exchequer Seal in Scotland.

George Drummond, jun. of *Blair*, Esq; Advocate, appointed Secretary to the Order of the Thistle.

The Rev. Mr. *Daniel Stockton*, Fellow of *Trinity College*, Cambridge, made Chaplain to the Prince of Wales.

Joshua White, Esq; appointed Deputy Master of the Mint.

The Right Hon. the Earl of *Chalmersdale*, appointed Chamberlain of the County Palatine of *Chester*.

Richard Harris, Esq; made Register and Clerk to the Commissioners for licensing of *Hackney Coaches*.

The Lord *Belhaven*, principal Sheriff of *East Lothian* in Scotland, in the Room of Lord *Haddington*, deceas'd.

Robert Cowan, Esq; knighted by his Majesty.

Mr. *Chute* and Mr. *Brown*, sworn his Majesty's Council at Law.

Mr. *Killigrew*, appointed a Major in *Fielding's* Regiment.

Philip Cavendish, Esq; made Admiral of the Blue, in the Room of

Sir *George Walton*, who resign'd, but is allow'd 1 l. 15 s. per Diem, Half-Pay.

John Balchen, Esq; made Vice-Admiral of the Red.

Charles Stewart, Esq; Vice-Admiral of the White.

Earl of *Granard*, Vice-Admiral of the Blue.

Nicholas Haddock, Esq; Rear-Admiral of the Red.

John Hagar, Esq; Rear-Admiral of the White.

Dr. *Felton*, Principal of *Edmund Hall*, *Oxford*, presented by the Duke of *Rutland*, to a Living in *Derbyshire*, worth 400 l. per Ann.

Dr. *Willis*, Dean of *Lincoln*, to the Rectory of *St. John*, *Milbank*, *Westminster*, in the Room of Dr. *Villers*, deceas'd.

The Earl of *Dunmore*, one of the 16 Peers for Scotland, made Knight of the Most Ancient Order of the Thistle, in the Room of the late Earl of *Haddington*.

Capt. *William Alston*, made Lieutenant-Colonel, in the Room of Lieut. Col. *Clarrington*, deceas'd.

Capt. *Charles Molloy*, Commander of one of his Majesty's Yachts, chosen Elder Brother of *Trinity House*, in the Room of Capt. *Stephen Martin Leake*, deceas'd.

Henry Perrill, Esq; made Captain of a Company in Brigadier-General *Scott's* Regiment.

Mr.

Mr. Killigrew, Grandson to the famous Mr. Killigrew, who shone in the Court of King Charles II. made Lieutenant to a Company of Invalids.

Hon. Henry Legge, Esq; 2d Son to the Earl of Dartmouth, appointed Secretary to the Right Hon. Sir Robert Walpole, as Chancellor of the Exchequer, in the Room of Mr. Baron Fortescue.

Sheriffs.

Herefordshire	William Philips, Esq;
Nottinghamshire	William Burnell, Esq;
Cornwall	Ferdinando Wallis, Esq;

Marriages.

James Gage of Petworth, *Suffex*, Esq; married to Miss Mary Robinson of Fulham.

William Bowles, Esq; Member of Parliament for Bridport, to Mrs. Cook, a Widow Lady.

Thomas Winkworth of Poland-street, Esq; to Miss Arnold of Newport-street.

Richard Manning, Esq; a *Hamburgh* Merchant, to Mrs. Goodwin, Widow, with 6000 l.

Mr. Stevenfon, to Miss Forward, with 10,000 l

Thomas Stroude, Esq; to the Lady Anne Cecil, eldest Sister to the Earl of Salisbury.

Charles Krank of Wilts, Esq; to Mrs. Frances Pert, a Widow, worth 15000 l.

Edward Jenkinson, Esq; to Miss Humphries, 16,000 l.

Julian Church of Surry, Esq; to Miss Sarah Rawley, 12000 l.

John Hanbury of Northamptonshire, Esq; to Miss Western, Niece to the Lord Bateman, worth 30,000 l.

Thomas Whitaker, Esq; of Winslow, Bucks, to Miss Mary Dunford, worth 10,000 l.

Isaac Whittington of Ormond-street, Esq; to Miss Fenwick of Bedford-Row, 30,000 l.

Dr. Ingram of Barnet, to Miss Mary Nicolls, worth 10,000 l.

Timothy Stoughton of Allesley, Warwickshire, Esq; to Miss Anne Samwell, 2d Daughter to Sir Thomas Samwell of Upton, Bart.

Gregory Whitehouse of *Suffex*, Esq; to Miss Christiana Read, with 10,000 l.

Mr. George Bankes of Duck's Court, Chancery-lane, to Mrs. Young of Castle-yard, 10,000 l.

Henry William Portman, Esq; Member for Taunton, Heir to 10,000 l. per Ann. to Miss Anne Fytche.

William Jones of Darenty, Esq; to Miss Marshal, worth 8000 l.

Thomas Mahon, Esq; was marry'd at Dublin, to Miss Jane Crosbie, Daughter of Sir Maurice Crosbie, Bart.

James Mandeville of the County of Tipperary in Ireland, Esq; to Miss Quigly of Carlow in that Kingdom.

Thomas Richardson of Winchester, Esq; to Miss Grace Herth.

Thomas Roper of Weobly in the County of Hereford, Esq; to Miss Waller, Daughter of ——— Waller of Gutton in the County of Surry, Esq;

John Crawford of Milton in Scotland, Esq; to Miss Ore, Daughter of John Ore of Barrowfield in Scotland, Esq;

George Cecil of Newport Pagnell in the County of Bucks, Esq; to Miss Gower, Daughter and Heiress of George Gower of Hampton in Middlesex, Esq;

Births.

The Hon. the Lady Henrietta Campbell, Wife of John Campbell, jun. of Shawfield in Scotland, Esq; one of the Commissioners of the Customs, safely deliver'd of a Son.

The Lady of the Right Hon. the Lord Robert Montagu, Vice-Chamberlain to her Majesty, safely deliver'd of a Daughter.

The Lady to the Right Hon. the Lord Hervey, Vice-Chamberlain to his Majesty, also safely deliver'd of a Daughter.

The Queen of Poland deliver'd of a Princess.

The Lady of Henry Drax, Esq; Member for Wareham, Dorsetshire, of a Son.

The Countess of Antrim, of a Daughter.

The Lady of Sir Robert Lawley, Bart. of a Son.

Deaths.

Dy'd Miss Louisa Campbell, only Child of the Hon. Brigadier Campbell.

At Edinburgh, the Right Hon. the Marchioness of Douglass, Mother of the present Duke.

At Dublin, the Right Hon. Benjamin Parry, Esq; Member of Parliament for Dungarvon in the Kingdom of Ireland, publick Register of Deeds, &c. and one of his Majesty's Most Hon. Privy Council in that Kingdom.

At Carmarthen in South-Wales, the Lady Rudd, Relict of the late Sir John Rudd, Bart.

The Hon. Mr. Howard, 2d Son of the Right Hon. the Earl of Berkshire.

Dy'd

- Dy'd, Miss *Waring*, Daughter of Major-General *Waring*.
 — Lady *Irwin*, Relict of the late Sir — *Irwin*, Bart.
 — The Rev. Dr. *Villers*, Rector of St. John the Evangelist, Westminster.
 — — — *Coke* of *Boswell Court* near *Lincoln's Inn*, Esq;
 Brother to the late *Thomas Coke*, Esq; Vice-Chamberlain to the late King.
 — At *Exeter*, — — — *Tucker*, Esq; Major of a Regiment of Foot.
 — *Henry Jenkins* of *Limehouse*, Esq; formerly an eminent Italian Merchant.
 — *Wadham Wyndham* of the County of *Wilts*, Esq;
 — *John Cornwallis*, Esq; a Relation of the Right Hon. the Lord *Cornwallis*.
 — At *Bristol*, *Dennis Kelly*, Esq; of the Kingdom of *Ireland*, who in the late Reign was a Prisoner in the Tower.
 — Capt. *Swanick* of *Mortlack* in *Surry*, formerly an eminent *West-India Merchant*.
 — Sir *Browndown Sherrard*, Bart.
 — The Rev. Dr. *Sherlock*, Minister of St. *Botolph* near *Billinggate*.
 — *Bernard Lintott* of *Horsham*, Esq; High Sheriff of the County of *Suffex*, and formerly an eminent Bookseller in *Fleet-street*.
 — *Comb Winsley*, Esq; Major of the Fort of *Sheernefs*.
 In an advanced Age, at his Seat at *Knowsley* in *Lancashire*, the Right Hon. *James Stanley*, Earl of *Derby*, Baron *Stanley* of *Latham* in *Lancashire*, Baron *Strange* (of *Knokyn*) and *Mohan*, Lord of *Man*, and Admiral of that Island, Lord Lieutenant and *Custos Rotulorum* of the County of *Lancaster*, and one of the Lords of his Majesty's Most Hon. Privy Council. His Lordship served several Campaigns in *Flanders* under King *William*, and was one of the Grooms of his Bedchamber. He was sole Patron of the Bishoprick of *Man*, and all Parsonages and Vicarages, except three, which are in the Patronage of the Bishop; and, by the Advice of his Deemsters, (a Sort of Judges chosen every Year to decide Controversies, two for each Division of the Isle) and 24 Keys (that, with his Approbation, were Representatives for the same) he could make and repeal Laws. He had likewise Power of holding Courts in his own Name, and could hang and draw, or pardon Malefactors; and in his Jurisdiction all Wrecks, Royal Fishing, &c. with many other Prerogatives, belonged to him by his Regality.

Dy'd,

Dy'd, *George Thynne, Esq;* formerly a Colonel in the Army.

— At *Kentbury, Berks*, the *Rev. Mr. Walter Harte*, aged 95, formerly Fellow of *Pembroke College, Oxon*, Prebendary of *Wells*, Canon of *Bristol*, and Vicar of *St. Mary Magdalen's in Taunton*; but was a Nonjuror ever since the Revolution.

— *Capt. Samuel Wallbrook*, formerly a Captain in the Royal Navy.

— *Sir Samuel Bernardiston, Bart.*

— *Rev. Dr. Burchet of Hertfordshire*, at *Westminster*, aged 92.

— At *Ely*, the *Rev. Mr. John Bringhurst*, Precentor of that Cathedral, and Minister of *Ely, Trinity*.

— At his Seat in *East Lothian*, *Alexander, Lord Elibank*.

— *Rev. Mr. William Woods*, Rector of the United Parishes of *St. Mary Breadman*, and *St. Andrew, Canterbury*, and Minister of *Gunston near Wingham*.

— *Benjamin Hare of Staffordshire, Esq;*

— At his Seat near *Cobham, Surry*, *Sir Fr. Vincent, Bart.*

— At *Worcester*, *Dr. Benjamin Parshull*, an eminent Physician, whose Father made himself famous, by assisting in the Defence of *Colchester* against the Parliament Forces, in the Year 1648.

— In *Oxfordshire*, the *Rev. Sir Robert Cocks, Bart.*

— *Sir John Meres, Bart.*

— *Hon. Charles Stanhope, Esq;* Member of Parliament for *Derby*.

— *George Welham, Esq;* a Justice of Peace for the County of *Suffex*.

— *Master Cornwall Fitz. Frederick Vane*, Son to the *Hon. Mrs. Vane*.

— *Hugh Francis, Esq;* possess'd of a plentiful Estate in *Wiltshire*.

— The *Rev. Mr. Hele*, Nephew of the *Rev. Dr. Hough*, suddenly in the Pulpit, while he was preaching.

— *Marquess of Tullibardine*, only Son to the Duke of *Athol*.

William Winkford, Esq; a Justice of Peace for the County of *Somerset*.

— *James Conyer, Esq;* a *West-India Merchant*, worth 30,000 *l.* at *Wanstead in Essex*.

— *Mr. Thomas Fletcher*, an *Haberdasher* in *Cheapside*, worth 30,000 *l.*

— *Edw. Hopkins, Esq;* Master of the Revels in *Ireland*.
Dy'd,

Dy'd, *James Cook*, Esq; in *Hatton Garden*; he was formerly a Director of the *India Company*.

John South, Esq; Secretary to the Earl of *Leicester*, as Constable of the Tower.

Daniel Meadows, Esq; of 13,000*l.* per Ann. in *Berkshire*.

Vesey Hart, Esq; of *Lincoln's-Inn*. About 15 Months ago he took the celebrated Pill, which had at first such violent Effects, as to throw him into Convulsions, and deprive him of his Sight; on Recovery he fell into a Consumption.

The Wife of Lord *Paget*.

The Wife of Sir *Jasper Cullum*, Bart. at *Halfpene* near *Bury, Suffolk*. She was Daughter and Heir of *Wyat* of *Bufloden, Hants*.

Hon. *Walter Chetwynd*, Esq; Baron of *Rathdown* in the County of *Dublin*, and Viscount *Chetwynd* of *Beerhaven* in the County of *Cork*. By his Death the Title of a Peer of *Ireland* is extinct, but an Estate of 3000*l.* per Ann. comes to his Brother *John Chetwynd*.

Gilbert Campbell, an Attorney, in *Newgate*. He was the Man who sat as Judge (*Wreathocke* being Attorney) at the Rehearsal of *Macray's* perjured Evidence, before his Trial, and managed the Evidence for him at *Kingston Assizes*, for which he was committed to the New Gaol, *Southwark*, and afterwards to *Newgate* for robbing Dr. *Lancaster*.

Mr. *Salvadore*, a Jew, worth 100,000*l.*

M A R C H.

Preferments.

Marquess of *Caernarvon*, appointed Master of the Horse to the Prince of *Wales*.

Ambrose Stanyford, Esq; Consul at *Alicant*.

John Lawton, Esq; Under-Teller of the Exchequer, in the Room of Mr. *Grainger*.

Richard Bisset, Esq; Lieutenant in, General *Bisset's* Foot.

Thomas Bruce, Esq; Captain in the First Regiment of Guards.

Lord Viscount *Molesworth*, Brigadier-General of the Forces on the *Irish Establishment*, in the Room of Major General *Russel*, deceas'd.

James Harrison, Esq; appointed a Captain in Colonel *Philips's* Regiment of Foot.

Roger Eaton, Gentleman of the Privy Chamber, in the Room of *Sir Gilbert Pickering*, deceas'd.

Mr. Robert Matthewson, a Page of the Back Stairs, in the Room of *Mr. Shields*, deceas'd.

Earl Waldgrave invested with the Green Riband, and Order of *St. Andrew*, in the Room of the Earl of *Haddington*, deceas'd.

Mr. Booth, appointed his Majesty's Minister at *Warsaw*.

—— *Cope*, Esq; Governor of *Placentia*, in the Room of *Col. Gledhill*, deceas'd.

Henry Southwell, Esq; Knight of the Shire for the County of *Limerick* in *Ireland*, made a Captain in General *Dormer's* Regiment of Foot.

William Sherinan, Esq; Major in Colonel *Hawley's* Regiment of Foot, in the Room of Major *Albritten*.

Robert Lock, Esq; Store-keeper at *Chatham*.

Mr. Nutt, Printer, chose Common-Council-Man in the Ward of *Farringdon Without*.

Hans Fowler, Esq; made Captain of an Independent Company at *Gibraltar*.

George Williams, Esq; Captain in the Royal Train of Artillery.

Ensign *Johnson*, a Captain in the Earl of *Orkney's* Regiment of Foot.

Capt. *Gregg*, made Major in Brigadier *Barrell's* Regiment, in the Room of the late Major *Tucker*.

Samuel Hayward, Esq; made Consul at *Zant*, &c. in the Room of the late *Daniel Moore*, Esq;

Abraham Farley, Esq; made Deputy Chamberlain of the Exchequer.

Mr. Bedell of *Threadneedle-street*, elected Clerk of the Vintners Company.

Mr. Fovey, Attorney at Law, elected Clerk of the Founders Company.

Roger Williams, Esq; appointed Secretary to the Right Hon. the Earl of *Leicester*, as Constable of the Tower.

George Garnier, Esq; appointed Apothecary-General to his Majesty's Forces.

John Lee, Esq; Brother to *Sir Thomas Lee*, Bart. Captain-Lieutenant in the first Regiment of Guards, made Colonel of a Company; and Lieutenant *Swan* made Captain-Lieutenant in the same Regiment.

Lieut. *Cornforth*, made a Captain in the Earl of *Orkney's* Royal Regiment of Foot.

Marriages.

Marriages.

John Conway of Betley in Staffordshire, Esq; marry'd to Miss Mary West of Barnes, with 18,000 l.

Christopher Read of Petersham, Esq; to Miss Green, with 6000 l.

Thomas Chester, Esq; Knight of the Shire for Gloucester, to Mrs. Gwinnet, with 30,000 l.

—— Jennings of Wandsworth, Esq; to Miss Jane Smith, with 24,000 l.

George Cecil of Newport-Pagnell, Esq; to Miss Gower of Hampton, with 24,000 l.

—— Thorp of Yorkshire, Esq; to Miss Elizabeth Robinson of Dorsetshire, with 30,000 l.

Christopher Rawlins, Esq; of Shefford, Bedfordshire, to Miss Fotherby of Barnes.

Lord Vere Beauclerk, to Miss Chambers. *July 17. 35*

—— Combes of Leicestershire, to Miss Elizabeth Baptist, with 5000 l.

John Atkins of Montgomeryshire, Esq; to Miss Sophia Butler, with 5000 l.

John Bradshaw, Esq; to Miss Peplow, youngest Daughter to the Bishop of Chester.

Sir Thomas Aston, Bart. Member of Parliament for St. Albans, to Miss Kirshe.

Thomas Short of Harrow, Esq; to Miss Jane Wilkinson.

Christopher Maynard of Herefordshire, Esq; to Miss Wilde, worth 10,000 l.

Joseph Lockwood, Esq; to Miss Cowley, with 8000 l.

John Hayman of Stretham, Esq; to Miss Brugdon, with 18000 l.

William Bolds of Reading, Esq; to Miss Jane Bringham, worth 18,000 l.

Richard Hammond of Putney, Esq; to Miss Price, worth 5000 l.

Peter Theobald, Esq; to Miss Whitchurch, Niece to Baron Scrope, with 10,000 l.

Robert Saunders of Brentwood, Esq; to Miss Goddard, worth 16,000 l.

Roger Miller, Esq; to Miss Walter, worth 12,000 l.

Mr. John Golding, at Chilton, Wilts, to Miss Golding, worth 5000 l.

Stephen Fox, Esq; Member of Parliament for Shaftsbury, to Miss Horner, Daughter to Thomas Horner, Esq; Knight of the Shire for Somerset.

George Ingram of Saffron Walden, Esq; to Miss Emerson of Hatfield.

Abraham Coupper, Esq; of the Navy-Office, to Miss Dunkley, Granddaughter of Sir Robert Dunkley.

Thomas Crouch of Moulsey in Surrey, Esq; to Miss Tronton, an Heiress.

Births.

The Lady of Jacob Banks, Esq; Member of Parliament for Shaftsbury, was deliver'd of a Son.

The Right Honourable the Countess of Dysart, of a Daughter.

The Lady of Peter Bathurst, Esq; Member of Parliament for New Sarum, of a Son.

The Lady of Sir William Stapylton, Bart. Member of Parliament for the County of Oxford, of a Son.

The Lady of Thomas May, Esq; Member of Parliament for Canterbury, of a Son.

The Lady of the Hon. George Evans, Esq; eldest Son of the Lord Viscount Carberry, of a Son.

The Lady of the Right Hon. Sir William Yonge, Knight of the Bath, Secretary at War, of a Son.

The Lady of Joseph Banks, Esq; Member in the last Parliament for Peterborough, but dy'd a few Hours after, of a Son now living.

Deaths.

Dy'd, Mr. Robert Shaw, at Walworth, formerly a School Master, worth 30,000 l.

Sir Gilbert Pickering in Cavendish Square.

Thomas Grainger, Esq; one of the Deputy Tellers of the Exchequer.

Mrs. Woodridge, at Wapping, aged 110.

Mrs. Elizabeth Dreck, worth 200 l. per Ann. drown'd in a Pond near Hackney, occasioned by a Disappointment in Marriage.

Philip Meadows of Guilford, Esq; worth 2000 l. per Ann.

The Rev. Mr. William Darnell of Bicester in Oxfordshire.

Sir Swinnerton Dyer, Bart. at Kensington.

Mr. Shields, Page of the Back Stairs.

Lord Viscount Lanesborough, at Dublin.

Robert Dillon, Esq; a Popish Lawyer, who left 500 l. to the Charitable Infirmary at Dublin.

Mrs. Calloven, Relict of a famous Limner, worth 15,000 l. which she left to Charitable Uses.

Dy'd the Rev. Mr. Roger Laurence, at Beckingham in Kent, Author of *Lay Baptism* invalid.

Capt. William Toms, of the *African Company*.

William Boyde, Earl of Kilmarnock in Scotland.

Sir Alexander Murray, Bart. of Melgum in Scotland.

Joseph Watson, Esq; at Bath, worth 30,000 l.

John Gledhill, Esq; Governor of Placentia.

The Rev. Mr. Edmund Trimnel, Fellow of St. John's College, Cambridge.

Richard Goswell, Esq; aged 92.

Joseph Wills, Esq; a Lisbon Merchant.

George Oliver, Esq; at Scarborough, formerly Comptroller of the Customs in New-England.

John Ballston, an *Hamburgh Merchant*, at Bath.

Mr. Trevor, (late a Druggist) worth 30,000 l.

Capt. Joseph Willman, at Woolwich.

Mr. Joseph Walsh, Musick Printer to his Majesty, in Catharine-street, worth 30,000 l.

Mr. Harris, Attorney, at Maidstone, 30,000 l.

Mr. Joseph Taylor, Keeper of the New Prison in Surrey, a Place of 300 l. per Ann. succeeded by Mr. Taylor, of the Marshalsea Prison.

Dr. Wakefield, a Physician in Westmoreland, aged 102.

Mr. Bowers, one of the Six Clerks in Chancery.

The Rev. Mr. Weaver, of Ringsland Hospital.

Henry Buckle of Northall, Esq; at Bath.

Thomas Herbert, Esq; at Windsor.

Thomas Watson, a Journeyman Turner: Working a West-India Wood, called *Manchineel*, the Dust of it flew into his Eyes, which soon began to fail him, and in three Days he was quite blind, which being attended with an exquisite Pain, deprived him of his Senses, and he died raving and singing. The Indians say, that Rain dropping from this Tree is poisonous, and if it falls on the Skin, will raise a Blister; but the Fruit, which is beautiful, they can rectify, so as to eat it with Safety.

At Edinburgh, the Hon. George Sutherland, Brother to the Earl of Sutherland.

Paddington Macqueen, Esq; at Betley near Newcastle, Staffordshire; former Occulist to King William III. worth 16,000 l.

Mrs. Brayman, worth 26,000 l.

Capt. James Hoylston, worth 15,000 l.

Mr. Baker, aged 101, at Greenwich Hospital.

Richard Reynolds, Esq; Counsellor at Law.

Dy'd

Dy'd Christopher Lawson, Esq; worth 2000 l. per Ann.

Lyons, Esq; at Harrow School, worth 4000 l. per Ann.

Sir George Ebison, Knt. at Eastwell in Kent.

Jacob Tonson, Esq; at Ledbury in Herefordshire; formerly Secretary to the Kit kat Club.

Jacob Horne, Esq; of Upton in Worcestershire, worth 2000 l. per Ann.

Nicholas Hawksmore, Esq; principal Surveyor of his Majesty's Works.

The Lady Matthews, Relict of Sir Philip Matthews, Bart. of Great Gobbions in Essex, aged 89: She had been 50 Years a Widow.

Monf. Clergie, the famous French Marker, at the King's Tennis Court at Whitehall.

Mr. Mason, Master of his Majesty's Barges, a Place worth 300 l. per Ann. succeeded by his Son John.

Lady — Bertie, Sister to the Duke of Ancaster.

Mr. Capper, Cow-keeper, at Tottenham Court, worth 30,000 l.

The Hon. Mrs. Anne Vane, eldest Daughter of Lord Bernard, at Bath.

The Rev. Dr. Jackson, Prebendary of St. Michan's at Dublin.

Mr. Portman, an eminent Portugal Merchant of this City.

George Smith of Rochester, formerly a Captain in the Navy.

Mr. Chaplyn, an eminent Mercer on Ludgate-hill, and one of the Common-Council-Men of the Ward of Farringdon-Without.

Mr. Anthony Bellamy, third Son of Sir Edward Bellamy, Knt. late Lord Mayor of this City, and Alderman of Billingsgate Ward.

Mrs. Mary Heron, a celebrated Actress belonging to Drury lane Playhouse.

Thomas Power-Daly, Esq; at his Seat in the County of Galway in Ireland.

Mis Mary Andrews, Daughter of Townshend Andrews, Esq; Member of Parliament for Boffiney in Cornwall.

Isaac Garnier of Pall-Mall, Esq; Apothecary-General to his Majesty's Forces.

The Rev. Mr. Hood, Rector of Heningham in the County of Suffolk, drowned as he was returning home from Yoxford.

Dy'd the Lady Rous, Relict of the late Sir John Rous of Henham-Hall in the County of Suffolk, Bart.

Col. James Graham of Balquhapple, at Leith near Edinburgh.

The Lady Garrard, Relict of Sir Nicholas Garrard of the County of Norfolk, Bart.

Mrs. Leeson, who sued the Lord Fitzmorris of the Kingdom of Ireland, on a Contract of Marriage, at Dublin.

Joseph Hillman, an old Commander in the Navy.

Joseph Andrews, Esq; formerly an Italian Merchant of this City, at his Seat in Hertfordshire.

Mrs. Stanwix, Relict of the late Brigadier General Stanwix, Governor of Chelsea Hospital.

The new-born Son of Sir William Stapylton, Bart. Knight of the Shire for the County of Oxford.

At Dublin, William Moore, Esq; Deputy Muster-Master of Ireland.

In Ireland, the Lord Dunfaney of that Kingdom.

A P R I L.

Preferments.

John Lord Hervey, appointed Lieutenant of the County of Stafford, vacant since the Death of Washington Earl Ferrers.

Sir William Irwin, Bart. Lord Chamberlain to the Princess of Wales.

Lady Torrington, first Lady of the Bedchamber.

Miss Evelyn, first Dresser.

Mrs. Howard, one of the Women of the Bedchamber.

Mr. Lockman, Page of the Back Stairs.

Mr. Gildard, made Deputy Searcher of the Pott of Liverpool, in the Room of Mr. Bucknall, deceas'd.

Capt. Trevor, Captain of Greenwich Hospital, in the Room of Capt. Chamberlain, deceas'd.

Hon. John Crawford, Advocate in Scotland.

Hon. George Berkeley, a Brigadier.

Adam Hagar, Rear Admiral of the White.

Aubery Beauclerk, Captain of the Dolphin Man of War.

James Murray, Esq; made Governor of the Isle of Man, by the Duke of Athol.

Burrington Goldsworthy, Esq; Consul at Leghorn.

George Butler of Sheen, Esq; Captain in the Regiment of Horse Guards Blue.

John

John Roll, Esq; Captain in the Earl of *Effingham's* Regiment of Foot.

Everard Abington, a Captain in Brigadier *Howard's* Regiment of Foot.

Jacob Dyer, Esq; Captain of an independent Company at *Bermudas*.

John Dalrymple, Esq; Captain in the Earl of *Cadogan's* Regiment, in the Room of Captain *Alexander Auchinleck*.

Capt. *Tancred Robinson*, made Rear-Admiral of the Blue.

William Osbaldiston, Esq; voted duly elected Member for *Scarborough*, and not Lord *Duplin*.

Hon. *Charles Hervey*, presented to the Rectory of *Ickwork* in *Suffolk*.

Dr. Gregory, Professor of Modern History in *Oxford*, made a Canon of *Christ-church*.

Mr. James of *Greenwich*, succeeds *Mr. Hawksmoor*, as principal Surveyor of his Majesty's Works.

Panifton Powney of *Maidenhead*, *Berks*, Esq; chosen a Verdurer of *Windsor Forest*, in the Room of *Robert Lee*, Esq; decess'd.

Lieutenant *Hunter*, made a Captain in Brigadier *Anstruther's* Regiment of Foot.

William Morgan, Esq; appointed Captain of a Company in the Earl of *Orkney's* Regiment of Foot.

Lord *Baltimore* made Warden of the Stannaries.

Mr. Dent, appointed Solicitor to the Salt-Office, in the Room of *Mr. Johnson*.

Capt. *Walsh*, who had a Company in the Regiment of Foot, lately commanded by the Lord *Cadogan*, appointed Major of the said Regiment, in the Room of Major *Tucker*, decess'd.

His Majesty has been pleased to appoint Sir *Brocas Gardiner*, Bart. *John Shorter*, *Richard Shelly*, *William Fisher*, and *Brinley Skinner*, Esqs. to be Commissioners for managing the Duties on stamp'd Vellum, Parchment, Paper, &c.

Mr. Isaac Ware made Secretary to the Board of Works.

Mr. Arundel, made Clerk to the Board of Works at *Greenwich*.

Edward Williams, Esq; made Captain-Lieutenant in Colonel *Wentworth's* Regiment of Foot on the *Irish Establishment*;

Daniel Beaver, Esq; made Captain of an independent Company in *America*.

Mr. George Wood made Captain of an independent Company at *Jamaica*.

Lieut. Johnston, made Captain-Lieutenant in General *Ker's* Regiment of Dragoons.

Mr. Joseph Lycett, made Yeoman of the Salt Stores to his Majesty.

Andrew Bromley, Esq; made a Captain in the Royal Regiment of *Irish* Dragoons, commanded by General *Wynne*.

Huntingdon Manning, Esq; made Captain of an independent Company of Invalids at *Hull*.

Marriages.

Mr. John Burdett, Linnen-Draper in *Cheapside*, marry'd to Miss *Margaret Lane*, with 5000 *l*.

Bennet Langton of *Langton* in *Lincolnshire*, to Miss *Diana Turner*, one of the Coheiresses of *Henry Turner*, Esq; late Receiver-General of the Customs.

—— *Munday*, Esq; of *Osbaston*, to Miss *Anne Burdet*, worth 5000 *l*.

Henry Maurice, Esq; to Miss *Leheup* of *Cornwall*, with 20,000 *l*.

Nicholas Fotherby of *Staines*, Esq; to Miss *Brooke*, with 14000 *l*.

Jacob Jones of *Hertford*, Esq; to Miss *Sarah Duncombe*, worth 15,000 *l*.

John Lloyd, Esq; to Miss *Savage*, worth 15000 *l*.

Sir Anthony Westcombe, Bart. to Miss *Calmady*, 6000 *l*.

Thomas Whitmore, Esq; Member of Parliament for *Bridgnorth*, to Miss *Cope* of *Oxfordshire*, worth 20,000 *l*.

Christopher Goodwin, Esq; to Miss *Ward*, worth 8000 *l*.

Baswell Ball, Esq; to Miss *Dozell* at *Beaconsfield*, worth 10,000 *l*.

Earl of Rockingham, to Miss ~~*Anne*~~ *Furnese*, Daughter to *Sir Henry Furnese*, Bart. worth 200,000 *l*. *Robt*

Capt. Collins of *Rotherhithe*, to Miss *Hopson* of *Poplar*, worth 14,000 *l*.

Lord Montague Bertie, to Miss *Piers*, Daughter of *William Piers*, Esq; Member of Parliament for the City of *Wells*.

Duke of Chandos, to the Lady *Davall*, worth 40,000 *l*.

—— *Kent*, Esq; to Miss *Windsor*, Daughter of Lord Viscount *Windsor*.

James Hasell, Esq; to Miss *Oliver*, worth 5000 *l*.

Gilbert Walmesley, Esq; marry'd to Miss Aston, Sister to Sir Thomas Aston, Bart.

Stephen Murray, Esq; to Mrs. Owen, Reli&t of ——— Owen of Blechingley in the County of Surrey, Esq;

Jacob Jones of Hertford, Esq; to Miss Sarah Duncombe of Hants.

Sir Joseph Moor, Bart. to Miss Morris, Sister to the Lady Chaplin.

Timothy Waldo, Esq; one of the Solicitors in the Court of Chancery, and one of the Common-Council for Broad-street Ward, Son of Timothy Waldo of St. Martin's in the Fields, Gent. and Grandson of Timothy Waldo, Wholesale Linnen-draper in Bread-street, marry'd to Miss Wakefield, only Child of Mrs. Wakefield of Cambridge-street, Soho: She was given in Marriage by Mr. Isaac Waldo of Strettham; and the Ceremony was performed by Dr. Waldo of Harrow on the Hill.

Births.

The Lady of Baron Scutz, was deliver'd of a Daughter.

The Lady of Sir Jermyn Davers, Bart. Knight of the Shire for Suffolk, of a Son.

The Lady of the Hon. Mr. Grimston, Son of the Right Hon. the Lord Viscount Grimston of the Kingdom of Ireland, of a Daughter.

The Lady Mary Powis, Wife of Richard Powis, Esq; Member of Parliament for Orford in the County of Suffolk, and Sister to the Right Hon. the Earl of Cardigan, of a Daughter.

The Right Hon. the Countess of Peterborough, of a Daughter.

The Lady of the Hon. Henry Pelham, Esq; Brother to his Grace the Duke of Newcastle, and Knight of the Shire for the County of Sussex, of a Son.

The Lady of the Right Hon. the Lord Polworth, Member of Parliament for the Town of Berwick, eldest Son of the Right Honourable the Earl of Marchmont, of a Son.

The Countess, Wife of the Right Honourable the Earl of Kelly, in Scotland, of a Son.

Deaths.

Dy'd Henry Cunningham, Esq; Governor of Jamaica, where he had been but three Months.

Countess of Newburgh, at Dublin.

Dy'd, *Duncan Grouts*, Esq; in *Shropshire*, worth 15000 l. per Ann.

William Bradnock, Esq; at *Seaford* in *Sussex*.

Prince *Eugene of Savoy*, at *Vienna*, aged 73.

Charles Gabriel, Esq; at *Kimbolton* in *Huntingdonshire*, worth 15000 l. per Ann.

The Princess Dowager of *Hesse Philipsdahl*, at the *Hague*.

Jacob Newport, Esq; at *Hammersmith*, a near Relation to the Earl of *Bradford*.

Robert Coffer, Esq; at *Bristol*.

Joseph Cole, Esq; worth 1300 l. per Ann.

Wyndham Bishop, Esq; at *Trowbridge*, *Wilts*, worth 20,000 l. per Ann.

Miss Bridges, Daughter of *Sir Brook Bridges*, in *Jermy-n-street*.

Capt. Conner, in *St. James's-street*.

Francis Perkins of *Berkshire*, Esq; worth 2000 l. per Ann. He marry'd the celebrated *Mrs. Arabella Fermor*.

Mrs. Rose Howisk, aged 83, at *Hescoat* in *Devonshire*, worth 2000 l. per Ann.

Sir Thomas Saunders Seabright, Bart. Knight of the Shire for *Hertford*, worth 4000 l. per Ann. which descends to his Son, aged 13.

Thomas Curtis, Esq; in *Hampshire*, 1800 l. per Ann.

Anthony Perry, Esq; of *Henbury*, 1800 l.

William Goodward, Esq; at *Staines*, 3000 l. per Ann.

Randal Stracey, Esq; Comptroller of the City of *London*.

Lady Bampffield, Relict of *Sir Coppelstone Warwick Bampffield*, Bart. at *Poltimore*, *Devon*.

Robert Foley, Esq; Recorder of *Stafford*, by a Fall from his Horse.

Mrs. Anne Vynea, Relict of *Robert Vyner*, Esq; in *Conduit-street*.

Duncan Oldfield, Esq; at *Hackney*, aged 94.

Mr. William Cartlitch, Melter and Refiner to his Majesty's Mint.

John Butler, Esq; High-Sheriff for *Hants*.

Mr. Darlow, Farrier to his Majesty, by a Fall from his Horse.

John Leaske, Esq; a *Portugal* Merchant in *Kirby-street*.

William Phoenix, Esq; who was in the Commission of the Peace for *Middlesex*.

Dy'd, Mr. *Andrew Pitt*, at *Hampstead*, of a Fit of the Gout in his Stomach. He was the Person who waited on the Prince. Mr. *Voltaire*, in his Letters concerning the *English Nation*, says, 'He was one of the most eminent Quakers in *England*, who after having traded 30 Years, had the Wisdom to prescribe Limits to his Fortune and his Desires, and settled in a little Solitude at *Hampstead*. He was of a hail ruddy Complexion, and had never been afflicted with Sickness, because he had always been insensible to Passions, and a perfect Stranger to Intemperance.' And some of our News Papers add, He inherited many Virtues, and wanted every Vice.

Nathan Wright, Esq; only Son to Sir *Nathan Wright* of *Southall*, *Middlesex*, Bart.

At *Edinburgh*, the Right Hon. *James Hamilton*, Lord *Bargany*.

Philip Hide, Esq; at his House at *Braintree*, *Essex*.

The Lady *Barbara Godolphin*, Wife of the Hon. Mr. *Godolphin*, Cousin German and Heir expectant to the Earl of *Godolphin*, at her Mother the Countess of *Portland's* in *Whitehall*.

At *Greenwich*, Capt. *Chamberlain*, one of the Captains of *Greenwich Hospital*.

Capt. *John Simpson*, Commander of a Man of War.

John Boyle, Esq; at his House at *Parsons Green*, *Middlesex*.

Alexander Hume, Esq; at his House in *Pall-Mall*.

John Caryll, Esq; at his Seat in *Suffolk*.

At *Jamaica*, *Bevil Granville*, Esq; youngest Son of *Bernard Granville*, Esq; (youngest Brother of the late Lord *Lansdowne*.) This young Gentleman went into Orders, and afterwards quitted the Gown for the Sword, and had a Commission. His Uncle the late Lord *Lansdown* wrote an excellent Letter to him on his going into Orders.

Mr. *Medcalf*, a *Yorkshire* Gentleman, possess'd of near 500 *l. per Ann.* He was bred a Physician, but had left off Business for some Years past, and practis'd only for the Relief of the Poor.

Mrs. *Anne Bolton*, Wife of Captain *Richard Bolton*, a Director of the *East-India Company*.

James Benson of *Greenwich*, Esq; a near Relation of the late Lord *Bingley*.

At his Seat in *Gloucestershire*, *Edward Field*, Esq; in the Commission of the Peace for that County.

Dy'd

Dy'd, the Lady of Sir William Nicholson, Bart. in Scotland.

Capt. Michael Fossyth, formerly a Captain in the Navy.

Mrs. Best, Wife of the Rev. Dr. Best, Minister of St. Lawrence, near Guildhall.

William Sandys, Esq; lately returned from Constantinople, whither he went Secretary to the Right Hon. the Earl of Kinnoul.

Mr. John Willey, an eminent Wine-Merchant of this City.

The Hon. the Lady Mary Brown, Niece to the Right Hon. the Earl of Leicester.

Miss Prestwood of Pall-mall, Niece to her Grace the Dutchess Dowager of Leeds.

Morgan Rogers, Esq; at his Seat in Yorkshire.

Mrs. Rose Howick, only Daughter of Sir William Howick of the County of Devon, Bart.

At Lisbon, Dent Lord of Leicestershire, Esq; who set out on his Travels about three Years ago.

At Perth in Scotland, the Hon. Dame Christian Campbell, Mother of Sir Robert Menzies of Weem, Bart. and Cousin to his Grace the Duke of Argyle.

Joseph Townley, formerly a Captain in the Navy.

Schickie, Esq; Secretary to Baron Hartoff, his Majesty's Prime Minister of State for Hanover.

Mr. Henry Sheppard, an eminent Distiller, Common-Council Man for the Ward of Farringdon Within, and one of the Governors of Christ's Hospital.

Miss Bradbury, only Daughter and Heiress to Read Bradbury of Nothhouse in Yorkshire, Esq;

M A Y.

Preferments.

John Campbell, Esq; Member for Pembrokehire, appointed one of the Lords of the Admiralty, in the Room of

Thomas Winnington, Esq; made one of the Lords of the Treasury.

Edward Millbank, Page of Honour to his Majesty.

Col. Maitland, and Mr. Grimstone, made Gentlemen Ushers to the Princess of Wales.

Thomas White, Esq; Deputy Register of the Archdeaconry Court in Yorkshire, in the Room of Mr. Waite.

John Horne, Esq; made a Captain in General Anstruther's Regiment of Foot.

Capt.

Capt. *Russell*, made Colonel of the First Regiment of Foot Guards, in the Room of Col. *Allen*, who resign'd.

Thomas Sweetnam, Esq; Cornet in the Blue Guards.

Hon. *Sambrook Boscarwen*, Esq; Cornet in his Majesty's own Regiment.

Luke Gardner, Esq; Master of the Revels.

Hon. *John Sherrard*, Esq; second Son to the Earl of *Harborough*, made Lieutenant to the Yeomen of the Guard, in the Room of *Thomas Windham*, Esq; deceas'd.

Dr. *Taylor*, made Occulist to his Majesty.

Charles Casar, Esq; elected Knight of the Shire for *Hertford*.

Pe-er Bold, Esq; for *Lancashire*.

Charles Campbell, Esq; for *Argyleshire*.

Brigadier *James Sinclair*, for *Sutherland*.

Alderman *Somerville*, chose Lord Mayor, and

Edward Hunt and *Richard White*, Esq; Sheriffs for *Dublin*.

Mr. *Humphreys*, Common-Council-Man for the Ward of *Farringdon Within*.

Garden Orme, Esq; the Hon. Mr. *Hume*, and Captain *Hildesley*, appointed Gentlemen Ushers Daily Waiters to the Princess of *Wales*.

John Dennet, Esq; made a Captain in Col. *Harrison's* Regiment of Foot.

Denha Hammond, Esq; an eminent Attorney, made Comptroller of this City.

Jacob Conner, Esq; made a Captain in the Earl of *Orkney's* Regiment of Foot.

Thomas Whitefield, Esq; made a Captain in Sir *Adolphus Oughton's* Regiment of Dragoons.

Fenwick Dormer, Esq; made a Captain in Brigadier *Handasyd's* Regiment of Foot.

William Gordon, Esq; made a Captain in Col. *St. Clair's* Regiment of Foot.

The Rev. Dr. *Maddox*, Dean of *Wells*, and Clerk of the Closet to the Queen, made Bishop of *St. Asaph*.

Sir *Marmaduke Wyvill*, Bart. made Post-master General of *Ireland*.

Marriages.

Charles Edwin, Esq; marry'd to the Lady *Charlotte Hamilton*, Sister to Duke *Hamilton*.

Best Hollis of *Kent*, Esq; to Miss *Elizabeth Carter*, with 20,000 *l*.

Mr. *Honeywood*, Draper in the *Poultry*, to Miss *Atkins* of *Clapham*, with 10,000 *l*.

Thomas

Thomas Whitmore, Esq; Member for *Bridgnorth*, married to Miss Cope of *Brewern* in *Oxfordshire*, with 12000 l.

Lord Somerville, to Mrs. ~~Kircudbright~~. *Cuzen*

William Webb, Esq; of *Gloucestershire*, to Miss Fuller of *St. Clement's Danes*, with 14000 l.

Christopher Langdale, Esq; of *Mortlack*, to Miss Garbet of *Barnes*, with 15000 l.

Henry Heron of *New Radnor*, Esq; to Miss

William Jordan, Esq; to Miss Scott of *Paddington*, with 10,000 l.

Lord Gower, to the Countess of *Harold*.

Lord Grey, Son and Heir to the Earl of *Stamford*, to the Lady Mary Booth, Daughter to the Earl of *Warrington*.

Lord Duncarron, Son to the Earl of *Shelburn*, to Miss Clavering, Daughter of the late Sir James Clavering of *Axwell, Durham*, with 60,000 l.

William King, Esq; of *Ingatstone, Essex*, to Miss Barnes of *Watford*, with 12000 l.

Nicholas Bailey, Esq; Member for *Anglesea*, to Miss Paget.

Mr. Thomas Pritchard, an eminent Woollen-Draper in *Gracechurch-street*, to Miss Dalrymple, Daughter to Robert Dalrymple of *New Bond-street*, Esq; first Cousin to the Right Hon. the Earl of *Stair*.

Births.

The Countess of *Cromertie*, deliver'd of a Daughter.

The Right Hon. *Horatio Walpole's* Lady, of a Son.

Lady of Sir *Henry Northcote, Bart.* of a Son.

The Queen of *France*, of a Princess.

The Lady of the Hon. *John Spencer*, Brother to the Duke of *Marlborough*, of a Daughter.

The Dutchess of *Bridgwater*, of a Son.

The Lady of *William Plumer, Esq; Knight of the Shire for Hertford*, of a Son.

Deaths.

Dy'd Don *Carlos*, second Son of the King of *Portugal*, at *Lisbon*, March 19th O. S. aged about twenty Years.

Mr. *Charles* an Officer in the Excise, shot dead in Pursuit of Smugglers, near *Lewisham* in *Kent*.

100,000 Persons died of the Plague at *Grand Cairo*; (7000 daily for some Days) between Feb. 11th and March 12th.

Count *de Hoym*s, formerly Prime Minister of State to the late King of Poland.

Lewis Augustus, Duke *de Main*, legitimate Prince of France.

Sir *James Suttie*, Bart. of *Balgone* in *East-Lothian*, Scotland.

The second Daughter of the Earl of *Stamford*.

The Hon. *Christopher Wandesford*, Lord Viscount *Castlecomer*, and a Baronet of *England*; aged 20. He was only Son of the late Lord *Castlecomer*, by *Frances* Daughter of *Thomas* Lord *Pelham*, and Sister to the Duke of *Newcastle*. His Great Grandfather was created a Baronet by King *Charles II.* and his Grandfather a Viscount of *Ireland*, by Queen *Anne*.

Sir *Cecil Wray*, Bart. of *Glentworth* in *Lincolnshire*.

David Martin, Esq; Merchant, worth 10,000 *l.* and an Estate of 2000 *l.* per Ann.

John Walters, Esq; who had represented the County of *Surrey* in several Parliaments.

Samuel Baldwin, Esq; at *Lymington* in *Hants*, formerly of the *Inner-Temple*, Barrister at Law: His Widow is Sister to the present Lord *Onslow*, and the Wife of Sir *John Williams*, Knt. Lord Mayor. He order'd his Corpse to be buried in the Sea, amongst the Rocks called the Needles, at the West End of the Isle of *Wight*; the Body being put into a leaden Coffin, was convey'd in a large Boat to the Place appointed, attended by a Clergyman to read the funeral Service; but to the Surprize of the Spectators, when the Corpse was put into the Sea, it would not sink, which occasion'd various Conjectures among the Superstitious; but several Holes being bored in the Coffin, to let in the Water, it sunk. The Coffin was made full big, and fill'd with Bran.

Hon. *John Elphinston*, Lord *Balmerino* and *Cowpar*; he was General of the Mint, and Sheriff of the County of *Edinburgh*, in the Reign of Queen *Anne*: In 1710, and 1713, he was elected one of the 16 Peers for *Scotland*, and is succeeded in Honour and Estate by the Lord *Cowpar*, one of the Ordinary Lords of Sessions.

Lord Viscount *Montgarret*, of the Kingdom of *Ireland*, at *Dublin*. He is succeeded in Honour and Estate by Capt. *Butler*, now in the Emperor's Service.

The Hon. Brigadier *Henry Berkeley*, at *Bath*.

Major General *Skelton*, at *Paris*. He follow'd the Fortune of King *James II.* and preserved the Character of an excellent Officer, and a very gallant Man.

Marriages omitted in our last.

February 12, N. S. His Royal Highness Francis Duke of Lorrain, marry'd to the Archdutchess Mary Theresa, eldest Daughter to the Emperor.

April 27. His Royal Highness Frederick Prince of Wales, marry'd to her Serene Highness the Princess Augusta, Daughter to the Duke of Saxe-Gotha.

Continuation of Deaths in May.

Dy'd, Richard Thoresby, Esq; near Northampton; he was possess'd of an Estate of 3000 l. per Ann. which devolves to John Harvey, Esq; of Stockton, Warwickshire.

His Excellency William Cosby, Esq; Captain-General and Commander in chief of his Majesty's Provinces of New York, and East and West New Jersey. His Excellency's Death makes a fourth Government vacant in the Colonies.

At Bury in Suffolk, aged about 80, Sir Cane James, Bart. descended of a very antient Family, who were formerly Lords of Maestricht in Holland. He is succeeded in Dignity and Estate by his eldest Son, the Rev. Sir John James, Bart.

John Walters of Oking in Surrey, Esq; formerly Member of Parliament for that County.

The Hon. Miss Darcy, Cousin to the Earl of Holderness.

Mr. Thomas Manley of Friday-street, an eminent Wholesale Haberdasher.

The Lady Grace Talmaish, eldest Daughter of the Earl of Dysart.

The Lady Mary Lloyd, Relict of Sir John Lloyd, Kt.

Capt. Richard Clement of Whitstable in Kent, Inspector-General of the Custom-house Sloops on that Coast.

J U N E.

Preferments.

John Collins, Esq; made an Equerry to his Majesty, in the Room of the Hon. Henry Berkeley, Esq; deceas'd.

Capt. George Newland, made a Captain in Col. Cornwallis's Regiment of Foot.

George Lane, Esq; also made Captain in Lord Orkney's Regiment of Foot.

John Robinson, Esq; made Captain of a Company in the Lord Effingham's Regiment.

John Garth, Esq; made Warden of the Fleet, on the Surrender of *Dougall Cuthbert* and *James Gambier*, Esqrs.

Hercules Baker, Esq; appointed Treasurer and Receiver of all the Moneys for finishing *Greenwich Hospital*.

Mr. Hanny, appointed Keeper of the Jewels in the Tower, instead of *Thomas Rowley*, Esq; who resign'd.

Miss Cotterel, Daughter to *Sir Clement Cotterel*, Kt. Master of the Ceremonies, kiss'd her Majesty's Hand, on being appointed Maid of Honour to the Princess of Orange, in the Room of *Miss Schuitz*, who resign'd.

William Poyntz, Esq; made Receiver-General of his Majesty's Revenues of Excise, in the Room of his Brother the Right Hon. *Stephen Poyntz*, Esq; who resign'd in his Favour.

Samuel Grey, Esq; Secretary to the Commissioners of Excise, appointed one of the Commissioners of his Majesty's Revenues in Ireland, in the Room of the late *William Harrison*, Esq;

John Priest, made Clerk of the Court of Conscience.

Marriages.

Robert Balfour, jun. of *Balborne*, Esq; was marry'd to *Miss Anne Ramsey*, Sister to *Sir James Ramsey* of *Whitehall*, Bart.

Sir John Thompson, Alderman of London, next the Chair, to the Relief of *Matthew Ghandler*, late of *Maidstone*, Esq;

Sir Robert Jason of *Gloucestershire*, Bart. to *Miss Collins* of *Hants*.

Sir John Robinson of *Cranford*, *Northamptonshire*, Bart. to *Miss Perkins* of the same County, worth 10,000 l.

Counsellor *Malene* of the Temple, to *Miss Collier*, Niece to *Robert Knight*, Esq; Cashier to the South-Sea Company in the Year 1720, an Heiress of 25000 l. Fortune.

James Raybridge of *Shropshire*, Esq; to *Miss Kello*, with 12000 l.

Mr. Glynn of *Hatton Garden*, to *Miss Lewen* of *Ewel* near *Epsom*, worth 30,000 l.

John Hagar, Esq; Rear-Admiral of the White, to the Relief of *Major-General Russel*.

Mr. Harland, to *Miss Marlow* of *Ipswich*, worth 20,000 l.

Capt. Bloodworth, Master of the Horse to the Prince of Wales, to the Lady *Louisa Bertie*, Sister to the Duke of *Ancafter*, worth 20,000 l.

Mr.

Mr. Robert Huntley, Linnen-draper in Leadenhall Street,
to Miss Bosanquet, worth 10,000*l.*

Births.

The Lady Faulkland, deliver'd of a Daughter.

Lady Abergavenny, of a Daughter.

The Lady of John Hopkins, Esq; of Tooting in Surry,
of a Son, Heir to 14000*l.* per Ann.

Deaths.

Juliana, Wife to the Hon. Peter Wentworth, Esq; Brother
to the Earl of Straford.

Hon. Arthur Ingram, Viscount Irwin, Custos Rotulo-
rum of the East-Riding of Yorkshire, and of the Town
and County of Kingston upon Hull. Succeeded to Title
and Estate by Henry Ingram, Esq; Member for Horsham,
Suffex.

Mr. Arnal, aged 36, Author of the Political Letters
in the Free Briton, and Daily Gazetteer, sign'd Fra. Wal-
singham, Esq; By his Death, a Pension of 400*l.* per
Ann. reverts to the Crown.

John Finch, Esq; Member for Maidstone, Brother to
the Earl of Aylesford.

— Gower, Esq; a Roman Catholick, at Camberwel,
Surry. He was Father to the late Mr. Gower, kill'd by
Major Oneby, and worth 12,000*l.* per Ann.

Miss Kitty Boscawen, youngest Sister of the Lord Vis-
count Falmouth.

General Tatton, at Westminster. He was made Colonel
in 1723, Lieutenant-General in 1727, and was Gover-
nor of Tilbury Fort and Gravesend.

Capt. Ingram, formerly Commander of the Nassau Man
of War, at Mortlake.

The Lady Slingsby, Wife of Sir Henry Slingsby, Bart.
Member for Knaresborough, and Daughter of John Saville
of Methley in Yorkshire.

Thomas Moore, Esq; Deputy-Clerk of the Hanaper
Office, a Place of 800*l.* per Ann.

William Peer Williams, Esq; an eminent Counsellor in
Chancery-lane, worth 15000*l.*

George Edwards, Esq; formerly a Director of the South
Sea Company, at Croyden in Surry.

Lady Montgarret, Relict of Lord Montgarret of Ire-
land.

Rev. Mr. Hawkins, Chaplain to the Garrison in the
Tower 40 Years.

Mrs. Sanders at *Westminster*. She gave 3000 *l.* to two of her Maid Servants.

Dr. John Albert Fabricius, at *Hamburgh*. He excell'd in Parts of Literature, particularly in History, and the Knowledge of the Classics; has publish'd several judicious Books, and left some elaborate Pieces behind him unfinish'd.

Sir George Markham, Bart. at *Bath*. He dy'd a Bachelor, and left his Estate to James Ogle, Esq; of the Kingdom of Ireland.

Mt. John Bailman in *Southwark*, a Hop Merchant, worth 20,000 *l.*

George Jackson, Esq; at *Bath*, 4000 *l.* per Ann.

John Groves, Esq; (one of the Directors of the London Assurance, and Husband to the East-India Company) as he was accidentally visiting, complain'd he was ill, went to the necessary House, and was found dead.

Edward Peck, Esq; Scarlet Dyer in *Spittle fields*, worth 40,000 *l.*

Major Darby at *Hammer Smith*, of a Mortification occasioned by cutting a Corn.

George Rivers, Esq; aged 86; who had been Coroner for the City of London many Years, but on Account of his great Age resign'd that Office a few Years ago.

At his Seat at *Sutton* in *Northamptonshire*, Henry Hill, Esq; who dying a Bachelor, left the Bulk of his Estate for Charitable Uses.

The Learned Mr. Matthew Crawford, Professor of Ecclesiastical History, and religious Professor of Theology in the University of *Edinburgh*.

Daniel Seymour, Esq; who in the Reign of Queen Anne was one of the Pages of the Back Stairs, and Captain of a Troop in the Royal Regiment of Horse Guards, Blue.

At *Highgate*, in a very advanced Age, Mr. Fernandes Da Costa, a very eminent Jew Merchant in this City, said to have dy'd worth 300,000 *l.*

At *Brentford*, Mrs. Fazakerley, an ancient Maiden Lady, who has left 3000 *l.* to charitable Uses.

The Hon. Miss Wallop, at *Husbands*, the Seat of her Father, the Right Hon. the Lord Viscount Lynton, in *Hampshire*.

J U L Y,

Preferments.

Lord *Archibald Hamilton's* Lady made Privy Purse to the Princess of *Wales*.

The Hon. *Thomas O Brian*, Esq; Collector of *Drogheda*, in the Room of *Thomas Pearson*, Esq; deceased.

Sir *Multon Lambert*, Knight, Governor of *Tilbury Fort*, &c. in the Room of General *Tatton*.

Hon. *Felton Hervey*, Esq; fourth Son of the Earl of *Bristol*, Equerry to her Majesty, in the Room of his Brother, who resign'd.

Lieut. Gen. *Sutton*, made Colonel of the 2d Troop of Horse Grenadier Guards.

George Neale, Esq; Captain in General *Anstruther's* Regiment of Foot.

—— *Lowery*, Esq; Captain in the third Regiment of Foot Guards, in the Room of

The Earl of *Crawford*, Colonel of his Majesty's own Regiment, late General *Tatton's*.

Col. *Murray*, 2d Captain of a Company in the third Regiment of Foot Guards in the Room of

Col. *Legge*, 1st Captain, in the Room of Major *Darby*, deceased.

William Stephens, Captain of an independant Company in *South Carolina*.

Arthur Manwaring, Captain in General *Harrison's* Regiment of Foot.

Lieut. *Smart*, Captain in her Majesty's Regiment.

Sir *Conyers d'Arcy*, Lord Lieutenant of the East-Riding in *Yorkshire*, in the Room of Lord Viscount *Irwin*, deceased.

Brigadier *Cope*, Deputy-Governor of *Port Mahon*, in the Room of

Brigadier *Anstruther*, Governor of *South Carolina*, in the Room of Governor *Johnson*, deceased.

John Holles St. John, Esq; fourth Equerry to his Majesty.

John Kennedy, Esq; Deputy-Governor of *Inverness*, in the Room of *James Cunningham*, Esq; deceased.

Dr. *Butler* made Clerk of the Closet to her Majesty, in the Room of Dr. *Maddox*, Bishop of *St. Asaph*.

Dr. *John Harris*, Bishop of *Llandaff*, made Dean of *Wells*, in the Room of Dr. *Maddox*, Bishop of *St. Asaph*.

Dr.

Dr. Walker, Chaplain to his Majesty, in the Room of Dr. Terry.

Mr. Goldsmith, Dean of Cloyne in Ireland.

Marriages.

Daniel Boone, Esq; Member for Ludgershall, marry'd to Miss Evelyn of Kent, worth 800 l. per Ann.

Gregory White of Charlton in Hampshire, Esq; to the Relict of Edw. Clifford, Esq; worth 26000 l.

Philip Atkinson of Bromley, Esq; to Miss Tyler of Horsham in Sussex, worth 6000 l. and 200 l. per Ann.

Hon. Mr. Verney, Son of Lord Fermanagh, to Miss Nichols of Clapham, with 30,000 l. down, and 1000 l. at the Birth of every Child.

William Cornforth of Hertford, Esq; to Mrs. Garbert, with 18000 l. and 200 l. per Ann.

Philip Gale of Chelsea, Esq; to Miss Troughton, worth 9000 l.

The Rev. Dr. Best, Vicar of St. Laurence Jewry, to Miss Dee of that Parish, with 8000 l.

Births.

The Lady of George Venables Vernon, Esq; Member for Litchfield, deliver'd of a Daughter.

The Countess of Delorain, Wife to W. Wyndham, Esq; of a Son.

The Lady of Thomas Archer, Esq; Member for Warwick, of a Son.

Deaths.

October the 7th, 1735. Yong Tchin, Emperor of China, dy'd at Peking, in the 14th Year of his Reign, aged 54.

Sir William Ramsden of Yorkshire, Bart. and succeeded by his Son, Member of Parliament for Apulby, now Sir John Ramsden, Bart.

Alen Benson, Esq; at Beudley in Worcestershire, worth 3000 l. per Ann.

Capt. Selby, at Low Layton, Essex, an Elder Brother of Trinity House.

Mr. Thomas Drayman, formerly Surgeon in the Navy, aged 106.

Lady Bowes, Relict of Sir William Bowes, Kt. at Durham.

The Right Hon. Thomas Fane, Earl of Westmorland, at Mereworth Castle in the County of Kent. He was of the Privy Council, Lord Lieutenant of the County of Northampton, and many Years First Lord Commissioner of the

the Board of Trade, which he resign'd last Year on Account of his Age; and dying without Issue, the Title and Estate goes to his Brother the Lord *Catherlough*, now *John Earl of Westmorland*.

Josiah Wordsworth, Esq; in *Mincing-lane*. He was many Years a Director of the *East India Company*, and has left 500 l. to an Hospital for Foundlings, whenever one is erected in any Part of *England*.

John Goddard, Esq; Member of Parliament for *Tre-gony* in *Cornwall*, and joint Commissioner with *Arthur Sturt*, Esq; for settling the Merchants Losses by the Depredations of the *Spaniards*.

Sir William Hardres, Bart. at *Hardres-Court* in the County of *Kent*, the Seat of this Family ever since *William the Conqueror*, with whom their Ancestor came over. He was chose Knight of the Shire for *Kent*, without Opposition, afterwards one of the Barons for the Port of *Dover*, and for several Parliaments a Burgess for *Canterbury*; also in the present, but resigned to *Sir Thomas Hales*, the Petitioner, on Account of the Gout. He left Issue one Son, now *Sir William Hardres*, Bart. aged 19 Years, and one Daughter, *Elizabeth*, about 20.

Miss Lewison, near *Taunton* in *Somersetshire*, an Heiress of 800 l. per Ann.

The Reverend Mr. *John Grant*, Prebendary of *Roche-ster*, aged 80 Years. He was Prebendary of *Roche-ster*, and Vicar of *St. Dunstan's* in *Fleet-street* 59 Years, and had an excellent Character.

Andrew Quick, Esq; at *Exeter*. He was Member of several Parliaments in *Queen Anne's* Reign. He was found lying in his Shirt under a Window in his Chamber, with his Skull fractur'd in several Places.

William Salmon, Esq; at *Purney*, lately come to an Estate of 4000 l. per Ann.

Thomas Kempthorne, Esq; Commissioner of his Majesty's Navy at *Chatham*.

The Right Hon. *Nicholas Leake*, Earl of *Scarsdale*. In the Reign of *Queen Anne*, he was Lord Lieutenant and *Custos Rotulorum* of the County of *Darby*, and Envoy Extraordinary to the Court of *Vienna*; but dying a Batchelor, the Title is extinct, and he left a considerable Estate to Mr. *Leake*, a near Relation.

Matthew Hartley, Esq; an eminent *Cadiz* Merchant in *Gracechurch-street*, worth 100,000 l.

Dy'd,

Dy'd, the Lady of the Lord Chief Baron *Reynolds*, at *Putney*. She was Daughter of *Smith*, Esq; of *Wheat* in *High Suffolk*, and left to Issue.

The Countess of Dowager of *Lincoln*, Sister to the Duke of *Newcastle*.

Mrs. *Preston*, Relict of *Thomas Preston*, Esq; Alderman. She has left 2000 *l.* to charitable Uses.

Capt. *Hughs*, at *Hertsford*, aged 70, and worth 20,000 *l.* He had serv'd 48 Years; at the Battle of *Schellemburg*, he was shot through the Cheek; at *Namur*, through the Wrist, and wounded in the Head.

Sir *Richard Gratton*, at *Dublin*, Lord Mayor of that City.

Mrs. *Bradbury*, Wife of Mr. *Peter Bradbury*, a Dissenting Teacher, and Widow of the late *Richard Hampden*, Esq; Treasurer of the Navy.

At *Edinburgh*, Sir *James Justice of Chrichton*, Kt.

Mr. *Robert Harle*, Secretary to the Million Bank.

The Rev. Dr. *Yalden*, Minister of *Bridewell* Chapel; who succeeded in it, the late Bishop *Atterbury*.

Thomas Dalison, Esq; descended from the ancient Family of the *d'Alancions* of *Laughton* in *Lincolnshire*, whose Ancestors came over with *William the Conqueror*.

Lady *Caroline Mordaunt*, youngest Daughter of the Earl of *Peterborough*.

At *Bristol*, the Rev. Mr. *Patrick Middleton*, a Non-juror, Author of a late Treatise in Defence of Christianity, in Answer to *Tindal*; and several other Tracts.

AUGUST.

Preferments.

John Hampe, Esq; made Physician to her Royal Highness the Princess of *Wales*.

Mr. *Middleton*, one of the sworn Clerks in Chancery, in the Room of *Edward Kynaston*, Esq; deceas'd.

Edward Trelawny, Esq; Governor of *Jamaica*, in the Room of *Henry Cunningham*, deceas'd.

George Clarke, Esq; Governor of *New-York*, in the Room of Col. *Cosby*, deceas'd.

Capt. *Maddin*, Equerry to the Prince, in the Room of Sir *William Irby*, Bart.

Master *Hamilton*, made Page of Honour, and Miss *Herbert*, Maid of Honour to the Princess of *Wales*.

Mr. *Neale*, Secretary to the Million Bank, in the Room of Mr. *Harle*, deceas'd.

John

John Burgoigne, Captain of Chelsea Hospital, in the Room of Capt. Perry, deceas'd.

Lord Viscount Boyne, one of the Privy Council in Ireland.

Hon. Mr. Bothwell, Keeper of the Royal Mint, Scotland, in the Room of Jacob Brace, Esq;

George Ingram, Esq; Captain of Foot in Governor Phillips's Regiment.

Capt. Hanmore, Colonel of a Company in the Second Regiment of Foot Guards, in the Room of Lord Balcarras, deceas'd.

Tho. Pelham, Member of Parliament for Lewis in Sussex, appointed Envoy Extraordinary to Sweden.

Earl of Kinoul, appointed Envoy Extraordinary to Poland.

Hon. John Lumley, Esq; Avenor, Clerk Marshal, and Equerry to his Majesty, succeeds the late Brigadier Berkley as Gentleman of the Horse.

Mr. Keine, made Page of the Removing Wardrobe to his Majesty, in the Room of Mr. Cook, deceas'd.

Charles Douglass, Esq; (Husband to Albina Dutchess of Ancafter and Kestevan) made principal Clerk of his Royal Highness's Green-Cloth.

John Gould, Esq; made Inspector of the Out-Port Collectors Accounts within England, Wales, and Town of Berwick upon Tweed, in the Room of the late Alexander Gould, Esq;

John Kettel, Esq; made Windsor Herald of Arms.

Lieut. Needham, who succeeds Col. Hanmore, as a Captain in the Second Regiment of Foot Guards.

Richard Ellis, Esq; made Captain; Archibald Campbell, Esq; Captain-Lieutenant; Henry Ereskine, Lieutenant; and Mark Kerr, Ensign, in the Regiment of Foot commanded by Col. James St. Clair.

Lord George Beauclerc, made Captain of a Company in the first Regiment of Foot Guards, commanded by Sir Charles Wills.

Captain Robinson of the Guards, made one of the Gentlemen Ushers to her Royal Highness the Princess of Wales.

The Rev. Mr. Terrick, made Preacher of the Rolls.

Dr. Butler, Clerk of the Closet to her Majesty, made a Prebendary of Rochester, in the Room of Dr. Grant, deceas'd.

Mr. Edward Poole, Prebendary of Brecon, in the Room of Mr. Jenkins, deceas'd.

Dr. Ayscough, Clerk of the Closet to the Prince.

The Rev. Mr. Dennison, presented to the Living of *Chariton* in *Hampshire*, in the Room of Dr. Palden.

Mr. Cornelius Feale, to that of *Thursley*.

Mr. Frewen, to the Vicarage of *Gosling* in *Sussex*.

Mr. Evans Davis, to that of *Yerwich* in *Wales*.

The Hon. and Rev. Mr. Charles Hervey, fifth Son of the Right Hon. the Earl of *Bristol*, instituted into the Livings of *Ikeworth* and *Chedber*, lately held in Commendam by the Lord Bishop of *Norwich*.

Marriages.

The Earl of *Strathmore*, marry'd to Miss *Nicholson*, worth 20,000*l.* at *Houghton le Spring*, near *Durham*.

Capt. *Messington*, to Miss *Johnson*, Niece to the Lady *Wentworth*, with 10,000*l.*

— *Gale* of *Fulham*, to Miss *Emerson*, worth 14,000*l.*

The Earl of *Bute*, to Miss *Montagu*, Daughter to the Hon. *Wortley Montagu*, Esq;

Tracey Keck, Esq; to the Hon. Lady *Susan Hamilton*, Sister to the Duke of *Hamilton* and *Brandon*.

Nicholas Loftus, jun. of *Loftus Hall* in *Ireland*, to Miss *Hume*, Daughter to Sir *Gustavus Hume*, Bart. worth 60,000*l.*

Mr. *Grovestein*, first Lord of the Bedchamber to the Prince of *Orange*, to Miss *Schutz*, one of the Maids of Honour to the Princess, worth 25000*l.*

The Hon. Col. *Bing*, to Miss *Daniel*.

Sir *Cordel Firebrace*, Bart. Member for *Suffolk*, to Miss *Dashwood*, an Heiress.

James Howe, Esq; of the *Middle-Temple*, to Miss *Sophia Howe*, worth 15000*l.*

Peter Newland of the *Devizes*, Esq; to Miss *Mary Hedges*, worth 17000*l.*

— *Foubert*, Esq; to Miss *Andrews*; worth 10,000*l.*

Hon. *Herbert Windsor*, Esq; to Miss *Clavering*.

Philip Smallwood of *Kent*, Esq; to Miss *Seaton* of *Fewersham*.

Rev. Mr. *Carr* of *Isleworth*, to the Relict of — *Saville*, Esq;

John Affleck of *Cambridgeshire*, Esq; to Miss *Medcalfe*.

Robert Rochfort, Esq; to a Daughter of the Lord Viscount *Molesworth*.

George Purcell, Esq; to Miss *Hancock* of *Wandsworth*.

Capt. *Bloodworth*, to the Hon. Miss *Bertie*.

Births.

The Lady of the Lord Viscount *Harcourt*, brought to Bed of a Son and Heir.

The Lady of *Jacob Houblon*, Esq; Member for *Colchester*, of a Son and Heir.

The Lady of the Lord *Gullen*, of a Son, at *Rushton* in *Northamptonshire*.

The Lady of Sir *Henry Lyddell*, Bart. of a Daughter.

Deaths.

Alexander Earl of *Balcarras*, Lord *Lindsay* and *Cumberland*, one of the Sixteen Peers of *Scotland*, and Colonel in the Foot Guards: His Lordship marry'd Miss *Scot* of *Scotstarvit*, by whom having no Issue, *James* his Brother succeeded to the Honour and Estate.

Nevill Lord *Lovelace*, Baron of *Hurley*, *Bucks*, (only surviving Son of *John* Lord *Lovelace*, who was Father to the present Lady *Baroness Wentworth*, and dy'd Governor of *New York*, 1708) left only a Sister, one of the Maids of Honour to her Majesty, so that the Title is extinct.

Brigadier-General *Vesey*, Governor of the Royal Hospital at *Kilmainham*, *Dublin*.

Edward *Darvys*, Viscount and Baron *Mont-Cashel* of the Kingdom of *Ireland*, aged 25, at *Dublin*.

William *Angell*, Esq; of *Burfield Place*, one of the *Verdurers* of *Windfor Forest*.

Rev. Mr. *Savage*, Rector of *St. Anne's*, *Black Fryars*, and Master of *Emanuel College*, *Cambridge*.

Rev. Dr. *Hawkins*, Brother of *Philip Hawkins*, Esq; Member for *Grampound*, *Cornwall*.

Henry *Peers*, Esq; Barrister at Law, and King's Council of *Barbadoes*, at the Temple.

Dy'd in *Aldermanbury*, *Mahomet Weyonomon*, Sachem of the Tribe of *Mohcagoni* in the Province of *Connecticut* in *New England*. He was Great Grandson to the famous Sachem *Onkass* who took Part with the *English* upon their first settling in that Country.

William Lord *Byron* of *Rochdale*, *Lancashire*, at *Newstead Abbey* in *Nottinghamshire*. His Lordship's Uncle was advanced to the Dignity of Peerage by King *Charles I.* for the great Service done him. In 1695, he succeeded his Father. In *Queen Anne's* Reign, he was one of the Gentlemen of the Bedchamber to Prince *George* of *Denmark*. He marry'd three Wives, 1st *Mary*, Daughter of the

the Earl of *Bridgewater*, who dy'd without Issue 1703. 2d, Lady *Frances Williamyna*, Daughter to the Earl of *Portland*, who dy'd 1712, by whom he had three Sons and one Daughter, all dead. 3d, *Frances*, Daughter to *William Lord Berkeley of Stratton*, and by her had five Sons, *William* now Lord *Byron*, *John*, *Richard*, *Charles*, *George*; and one Daughter named *Arabella*.

Rev. Mr. *Seager*, Minister of *Coldham*, *Essex*.

Sir *Thomas Taylor*, Bart. Member for *Kells* in *Ireland*, and Privy Counsellor.

Sir *Alexander Hume* of *Fife* in *Scotland*, Bart.

Philip Rastleigh, Esq; at *Menabley* in *Cornwall*, formerly Member for *Fowey*, now represented by his Brother.

James Lever, Esq; at *Hackney*, aged 90.

Capt. *Jonathan Wellwood*, who has left his Estate to Charitable Uses.

Dr. *Wright*, Minister of the New Church, *Spittlefields*.

Mr. *Niblet*, Master of the Copper Mills at *Mitcham* in *Surrey*. He made the Ball and Cross of *St. Paul's*.

Dr. *Boucher*, Principal of *Albion Hall*, and Law Professor to the University of *Oxford*.

Rev. Mr. *John Read*, Fellow of *Queen's College*, *Cambridge*.

Charles Boyle, Esq; at *Burstaff* in *Leicestershire*.

John Gould, Esq; at *Hackney*, very rich. He was Director of the *India Company* several Years, and left two Sons, *Nathaniel* and *John*, both Members in the last Parliament; the latter is Inspector of the Out-port Collectors Accounts, in the Room of his Brother *Alexander*, who dy'd some Days before his Father.

William Lake, Esq; at *Colnbrook*, said to have dy'd worth 4000 l. per Ann.

Thomas Hunt, Esq; Father of *Thomas Hunt*, Esq; present Mayor of *Coventry*, and Receiver-General for the County of *Warwick*.

Thomas Sclater Bacon, Esq; Member of Parliament for *Cambridge* of a Palsy, worth 200,000 l.

Capt. *Reddish* in *Southamptonshire*, Commander of his Majesty's Ship the *Princess Amelia*, lately return'd from *Lisbon*.

Capt. *John Conduit*, formerly in the Regiment of Horse Guards Blue, at *Paddington*.

Edward Meadows, Esq; Captain in Major General *Honeywood's* Regiment, and Son to Sir *Philip Meadows*, Kt. at *Whitehall*.

Dy'd, the Rev. Dr. *Cross*, Master of *Gatharine-Hall*, Cambridge, and one of the Prebendaries of *Norwich Cathedral*.

Landsdale Gumley, Esq; at his Seat near *Hollyport*, in *Berkshire*.

At *Dublin*, Dr. *John Wetherby*, Dean of *Cashel*.

At *New Romney* in *Kent*, the Rev. Mr. *Corbet*.

At *Dublin*, *John Moland*, Esq; to whom the Publick is indebted for the Preservation of the Records in the Prerogative-Office in *Ireland*, which, but for him, would have been carry'd away a little before the Revolution.

Edward Kynaston, Esq; one of the sworn Clerks in *Chancery*.

M. del Campos, Secretary to the *Portuguese Embassy*, and some Time Resident of that Court here.

At *Battersea* in *Surry*, *Angelica-Magdalena*, Lady Viscountess *St. John*, second Wife of the Right Hon. the Lord Viscount *St. John*.

Jonathan Raymond, Esq; only Son of Sir *Jemmet Raymond*, ~~Barr.~~ *Esq.*

Jeremiah Moreton, Esq; formerly Deputy-Governor of *Berwick upon Tweed*.

S E P T E M B E R.

Preferments.

Mr. *John Willis* made King's Carpenter for *Kensington Palace*, the Tower, and *Somerset House*.

Mr. *Philips*, ——— to *St. James's House*, *Greenwich Hospital*, and the *Meuse*.

Richard Lane, Esq; a Deputy Judge of the *Marshalsea Court*.

John Rowland, Apothecary to the Prince.

William Britton, Equerry to the Prince.

Mr. *George Cure*, Wardrobe Keeper.

Mr. *Coparman*, Page of the Back-Stairs to the Prince.

Mr. *George Oughton*, Groom of the Great Stairs to his Majesty.

Mr. *Thomas Green*, Groom of the Great Chamber, in the Room of Mr. *Stone*, deceas'd.

Mr. *Prat* and Mr. *Howlett*, Bricklayers to his Majesty.

William Pointz, Esq; Receiver of the Money arising from Licences, &c. for retailing Spirituous Liquors.

Col. *John Schutz*, Lord Warden of the Stannaries in *Cornwall*, in the Room of the late Lord *Falmouth*.

John Selwin, Esq; Gentleman of the Horse, in the Room of Brigadier *Berkeley*, deceas'd.

William Watson, Commissioner of the Revenues in Scotland.

Hon. *John Sackville*, Equerry to her Majesty, in the Room of the Hon. *Thomas Hervey*, who resign'd.

Jos. Wright, Reading Clerk in the House of Lords, in the Room of Mr. *Wheaks*, deceas'd.

Lord *Augustus Fitzroy*, Captain of his Majesty's Ship the *Kennington*.

Earl of *Essex*, Col. of the 2d Troop of Horse Grenadier Guards, in the Room of *Henry Berkeley*, Esq;

Capt. *Grove*, Major in Gen. *Fielding's* Regiment.

James New, Esq; Captain to an Independent Company in America.

Charles Redish, Esq; Captain in Colonel *Armstrong's* Regiment of Foot.

Syer Alicock, Captain in Brigadier *Murray's* Regiment of Foot, in the Room of Capt. *Hughes*.

Thomas Weldon, Esq; Major in General *Fielding's* Regiment, in the Room of *Samuel Foster*, Esq;

George Shrivins, Esq; Captain in Colonel *Ponsonby's* Regiment of Foot.

Marquess of *Carnarvon*, Son to the Duke of *Chandos*, made Master of the Horse to the Prince.

Births.

The Dutchess of *Leeds*, Wife of the Earl of *Portmore*, deliver'd of a Son.

The Lady of the Hon. *Thomas Townsend*, deliver'd of a Son.

Marriages.

Mr. *Dickenson*, a Quaker of *Bristol*, marry'd to Miss *Bernard* of *Fenchurch-street*, worth 6000*l.*

William Ingram of *Deptford*, Esq; to Miss *Wharton*, worth 7000*l.*

Charles Cotes, M. D. Member for *Tamworth*, to the only Daughter of Mr. *Chisleden* the Surgeon.

David Nesbit, M. D. to the eldest Daughter of Sir *Thomas Ranter*, Kt. with 5000*l.* down, and 5000*l.* more at the Death of Sir *Thomas*.

John Wooden, Esq; to Miss *Louisa Rowning*, worth 20,000*l.*

Brigadier *Middleton's* Son, to the Lady *Diana Gray*, Daughter to the Earl of *Stamford*.

Hunt, Esq; Mayor of Coventry, to Miss Fletcher of Cheapside, with 4000*l*.

William Tate of Mitcham, Esq; to Miss Myres, worth 10,000 *l*.

William Gill of St. Alban's, Esq; to Miss Ashe of Hertford.

John Sheppard, Esq; to Miss Streatfield, worth 15,000 *l*.

William Hobard, Esq; to Miss Andrews, worth 18000 *l*.

William Towers of Tooting, Esq; to Miss Castle, 6000 *l*.

Charles-Behn Philips, Esq; to Miss Magdalen Brysonwell.

Duke of Hamilton and Brandon, to Miss Spencer of Grosvenor Square, an Heiress worth 70,000 *l*. being his third Wife. *not married*

George Pits of Shoreham in Suffex, Esq; to the Widow Ebinson of Lewes.

George Vernon of Ipswich, Esq; to the only Daughter of Peter-Gibson Webster, Esq;

Edward Hooper, Esq; Member for Christ-church, Hants, to Miss Venables of the same County.

Deaths.

Sir William Fleming, Bart. at Rydall Hall, Westmoreland : He derived his Extraction from Baldwin V. Earl of Flanders ; he was chose Member for the County of Westmoreland in 1696, 1698, and 1704 : He was a Commissioner of Excise in the Reign of King William, and created a Baronet by Queen Anne in 1705, with Remainder to his Brothers, for Want of Male Issue : He marry'd in 1723, the Daughter of Mr. Thomas Rowland of Kirby Kendal, and had by her one Daughter ; but the Estate and Title devolve to his Brother, Sir George Fleming, Bishop of Carlisle.

The Relict of James Lever, Esq; of Grief for her Husband deceased.

Lady Russel, Mother of the Wife of Thomas Scarwen, Esq; Knight of the Shire for Surrey, and Wife to Sir Harry Houghton, Bart.

James Berkeley, Earl of Berkeley, at a Seat of the Duke of Richmond's, near Rochelle in France. He was one of His Majesty's Most Hon. Privy Council, Vice Admiral of England, Knight of the Garter, Constable of the Castle of St. Brevals in the Forest of Dean, and Keeper of the Woods and Deer, and Lord Lieutenant of the County of Gloucester. His Lordship was call'd up by Writ to the House of Peers in 1705-6, and soon after made an Admiral. He was First Commissioner of the

Admiralty in the Reign of King George I. and five Times one of the Lords Justices while that Prince was at *Hanover*. He marry'd the Lady *Louisa Lenos*, eldest Sister to the Duke of *Richmond*: She dy'd Jan. 1716-17, and left a Son *Augustus*, now Earl of *Berkeley*, and the Lady *Elizabeth*, who is marry'd to *Anthony Henley* of *Hants*, Esq;

Capt. *Edmonds*, of the first Regiment of Foot Guards.

Sir *Adolphus Oughton*, Bart. at *Tetchbrook* in *Warwickshire*, Brigadier-General of his Majesty's Forces, Colonel of a Company of Foot Guards, and a Member for *Coven-*
try. He was created a Baronet the 5th of George I. on his being appointed Proxy to represent his Royal Highness the late Bishop of *Osnabrugh*, Duke of *York*, at his Instalment as Knight of the Garter; he marry'd his Cousin German, sole Daughter and Heir of Sir *Thomas Wagstaff*, Bart. and Reli^d of Sir *Edward Bagot* of *Blithfield* in *Staffordshire*; but leaving no Issue by her, the Title is extinct.

Thomas Churchill, Esq; Bricklayer to his Majesty.

Duncan Maclauchlan, a rich Farmer of *Strathawin* in the Shire of *Bamff*, *Scotland*, aged 111.

Capt. *Robinson*, formerly Commander of the *William* and *Mary Yacht*, and one of the Elder Brothers of *Trinity House* at *Greenwich*.

William Kellet, Esq; at *Twickenham*, worth 40,000*l*.

Sir *Patrick Johnston*, Bart. Provost of *Edinburgh* at the Union.

The Dutchess of *Ancafter* and *Kestevan*.

Capt. *Newton* of the first Regiment of Foot Guards.

Capt. *Thomas Bronsden*, an eminent Ship-BUILDER, Master of the great *India Dock* at *Deptford*.

John Jekyll, Esq; Brother to his Honour the Master of the Rolls.

Major *Compton* of the 3d Troop of Horse Guards.

Mr. *Weeks*, one of the Clerks of the House of Lords, also Clerk of the Dispensation Office in Chancery.

At his House at *Lee* in *Kent*, aged near 80, *Philip Papillon*, Esq; Member of Parliament for *Dover*, in most of the Parliaments called by Queen *Anne*, and in those called by his late Majesty, 'till he accepted the Place of Receiver of the Stamp Duties. He was Father of *David Papillon*, Esq; Member in this present Parliament for *Dover*.

Mr. *Samuel Ashurst*, an eminent Woollen Draper in *Cheapside*, one of the Common Council Men for *Cheap Ward*, and one of the Sons of the late Sir *Will. Ashurst*, Kt. Lord Mayor of *London*.

Sir John Leigh, Bart. at Addington, Surry.

AL.

Sir William Osbaldeston, Bart. at Chadlington, Oxon.

In his Chamber in the Press-yard of Newgate, in the 82d Year of his Age, Major John Bernardi, who had been a State Prisoner for 40 Years, being committed for the Assassination Plot against King William. All the Persons charged in that Plot are dead, except Mr. Robert Blackbourn, who is still in Newgate.

In Yorkshire, the Rev. Mr. Abraham Sharp, Rector of Lanesborough and Markwieter in that County, Confessor to his Majesty's Household, and one of the Gentlemen of the Royal Chapel at St. James's.

In Rose-street, Soho, the Count de Vivon, a Gentleman of France, who had been long in England.

In Rutlandshire, in the 83d Year of his Age, Sir William Gale, Kt.

O C T O B E R.

Preferments.

Mr. Guidot, made High Bailiff of the Savoy Liberty.

Mr. Brinkman, Valet de Chambre to his Majesty, in the Room of his Brother.

Mr. John Ellis, Painter to the Prince of Wales.

Mr. Trinworth, King's Sadler, in the Room of Mr. Holiday, deceased.

Walter Harris, Esq; Serjeant-Porter to his Majesty, in the Room of Admiral Cavendish, who resign'd,

Charles Craven, Esq; Governor of South-Carolina, in the Room of — Johnson, Esq; deceased.

George Bennet, Esq; Major in the 3d Troop of Horse Guards.

Samuel Saville, Esq; Guidon and Major, Edw. Wills, Esq; Exempt and Captain, William Hollingworth, Esq; Brigadier and Lieutenant, Thomas Edwards, Esq; Captain in a Regiment of Foot.

Henry Brook, LL.D. Professor of Law, Oxon.

Boothby Skrymsher, Esq; made Register-General of all Trading Ships belonging to Great Britain, in the Room of the late Robert Pringle, Esq;

Edward Trelawny, Esq; appointed Governor of Jamaica, in the Room of the late Henry Cunningham, Esq;

Francis Gasberry, Esq; appointed Commissioner of the Sick and Hurt Office, in the Room of the late Kendrick Edisbury, Esq;

Mr. Gasberry

Mr. Gasberry is succeeded as Comptroller of the Sixpenny Office, by George Anne Burchet, Son of Josiah Burchet, Esq;

Hon. Arthur Hill, made sole Register of the Memorials of all Deeds, Conveyances, and Wills in Ireland.

Capt. Henry Panton, made Equerry to his Majesty, in the Room of General Panton, who resign'd.

Hon. Baptist-Leveson Gower, Esq; Deputy Ranger of Whichcote Park, Oxfordshire.

Charles-Lee, Esq; Master of his Majesty's Revels, appointed Page of Honour to his Majesty.

Mr. Thomas Ball, Canon Residentiary of Chichester, collated to the Archdeaconry of the same.

Dr. Heylin, Rector of St. Mary le Strand, and Mr. Biscoe, Rector of St. Martin Outwich, made Prebendaries of St. Paul's.

Dr. Haley, made Dean of Chichester.

Mr. Allen, made Minister of St. Anne's within Aldersgate, in the Room of Mr. Butler, deceas'd.

Mr. Thomas Ley, Chaplain to Sir Robert Walpole, to the Rectory of Patrockstowe, Devonshire.

Mr. Gibbon, elected by the Governors of Bridewell Hospital, Preacher there, in the Room of Dr. Yalden, deceas'd; he had 95 Votes, and the Rev. Mr. Nicolson 92.

Births.

A Woman at a Dairy Cellar in the Strand, was deliver'd of five Children, viz. three Boys and two Girls.

The Wife of William King, Esq; Son of the late Lord King, of a Son at the Hague.

The Wife of Benjamin Everard, Esq; of two Sons, at Dublin.

Marriages.

John Hog, Esq; of Cambo in Scotland, was marry'd to Miss Musgrave, Sister to Sir Philip Musgrave of Eden Hall, Cumberland.

Dr. Walter Evans of Brails, Warwickshire, to Miss Regabella Hole, worth 10,000 l.

Peter St. Eloy, Esq; to Miss Whitaker, Daughter of Sir Edward Whitaker, Kt. and Niece to the Lord Chancellor.

Mr. Salter, Student at Christ-church, Oxon, to Miss Williams, worth 10,000 l.

Hon. Samuel Masham, Esq; Son and Heir to the Lord Masham, to Miss Winnington, Sister to Thomas Winnington, Esq; one of the Lords of the Treasury, worth 20,000 l.

Joseph Peteres of *Sussex*, Esq; to Miss Groves, with 12000*l*.

William Oakden of *More Chrichall* in *Dorsetshire*, Esq; to Mrs. Finch, worth 12000*l*.

William Foster of *Ashburnham* in *Essex*, Esq; to Miss Herbert of *Lewes* in *Sussex*, 7000*l*.

Lord Vere Bertie, to Miss Gassey, Heiress to the late Sir Cecil Wray, Bart. 7000*l*.

Sir Christopher Hales, Bart. to Miss Harrison, Daughter of Lady Wray by her first Husband.

Pawlet St. John of *Farley*, *Hants*, to the Relict of Sir Haswell Tynte of *Somersetshire*, Bart.

Deaths.

Dy'd Robert Pringle, Esq; at *Rotterdam*, aged 80, in his Return to *England* from the *Spa*. He came over with the Prince of *Orange* at the Revolution, and was afterwards Deputy Secretary for *Scotland*, afterwards Secretary at War for *Great Britain*, and dy'd Register General of the Shipping.

Mr. John Baxter at *Greenwich*, aged 101.

Andrew Charlton, Esq; House-keeper to his Majesty at *Newmarket*; by his Death 300*l*. per Ann. devolves to *Christ-church College*, *Oxon*.

Lady Catharine Shirley, Sister to Earl Ferrers, at *Stanton* in *Leicestershire*.

Charles Greenwood, Esq; of the Gout. He was one of the Commissioners of Wine-Licences, and one of the Clerks of the Council Extraordinary.

Mr. Gascombe, a *Hamburgh* Merchant in *Watling-street*.

The Lady of Col. Wilson, in *Delahay-street*.

Mr. Butler, Minister of the united Parishes of *St. Anne* and *St. Zachary* without *Aldersgate*; Lecturer of *St. Clement's Eastcheap*, and Minister of *Dagenham* in *Essex*.

Richard Blechyndon, LL.D. Provost of *Worcester College*, Rector of *Newham Courtney* in *Oxfordshire*, and *Kingston Baptist* in *Berkshire*, and Prebendary of *Gloucester*.

Goddard Adrian Ginkle, Earl of *Athlone*, &c. at the University of *Marpurgh*, in the Landgraviate of *Hesse Cassel*, of the Small-Pox.

The Lady of Sir Walter Calverley in *Yorkshire*. She was Daughter of Sir William Blacket of *Wallington* in *Northumberland*, Bart.

William Kelsey, Esq; Member of the Royal Academy at *Berlin*.

Dy'd *William Mears*, Esq; at *Lambeth*, aged 85, formerly in Commission of the Peace for *Surry*.

Sidney Cobley, Esq; formerly Governor of *Connecticut* and *Rhode-Island*.

Mr. Mawson, Banker in *Lombard-street*, Son of *Richard Mawson*, who fined for Sheriff in *July 1734*.

Lady Betty Dashwood, Relict of *Sir Francis Dashwood*.

Newton Haynes, of the *Tower*, LL.D.

Philip Gery, Esq; Lieutenant Colonel to Brigadier *Churchill's* Regiment of Dragoons at *Northampton*.

Lady Murden, Relict of *Sir Joseph Murden* at *Kew Green*.

Humphrey French, Esq; late Lord Mayor, and Member of Parliament for *Dublin*, for which City he was chosen without a Penny Expence, that City having resolved not to be treated on these Occasions. He was one of the best Magistrates that ever any City was blest with.

George Clarke, LL.D. Member of Parliament for the University of *Oxford*, and Senior Fellow of *All-Souls* College. He left to *Worcester* College 4000 *l.* for building a Library, also six Fellowships of 43 *l.* per Ann. each, and six Scholarships of 23 *l.* each; his Medals to the University, his fine Pictures to the Earl of *Roche-ster* and *Clarendon*, to be hung up in *Golgotha*, his House and Furniture to the Warden of *All-Souls* for the Time being for ever, and the rest of his Estate to *Mr. Clarke*, a young Gentleman of *Christ-church* College, *Oxford*. *Thomas Rowney*, Esq; and *Dr. Shippen*, are the Executors.

Henry Cartwright, Esq; Receiver-General of the Stamp Duties.

The Countess Dowager of *Bute*, Sister to the Duke of *Argyle*, in *Scotland*.

At *Dunkirk*, *Edward Harvey* of *Combe*, in *Surry*, Esq; Col. *Dewischer*, in *St. James's Place*.

St. Quintin Thompson, Esq; a Director of the *East-India* Company, and eldest Son of the present Lord Mayor.

In *Pensilvania*, Col. *Patrick Gordon*, Lieutenant Governor of that Province.

At *Dublin*, the Rev. *Mr. Williamson*, Archdeacon of *Kildare*.

At *Harrow on the Hill*, the Rev. *Mr. Warren*, Fellow of *Trinity Hall*, *Cambridge*.

Lady Philips, Relict of *Sir Ambrose Philips*, Kt.

Rev. Mr. Downs, one of the Prebendaries of *Worcester*.

NOVEMBER.

Preferments.

Earl of Broadalbin, unanimously chosen one of the 16 Peers of Scotland, in the Room of the Earl of Balcarras, deceas'd.

Mr. Earnest, made Page of the Bedchamber to the Princess of Wales. A new Place.

Lord Augustus Fitzroy, a Son of the Duke of Grafton, Captain of the Eltham Man of War.

Mr. Le Grand, Lieutenant of the Yeomen of his Majesty's Guard, in the Room of Andrew Charleton, deceas'd.

Lord Charles Hay, Son of the Marquess of Tweeddale, Colonel of a Regiment of Dragoons in Ireland, in the Room of Sir Adolphus Oughton, deceas'd.

William Janssen, Esq; Provost-Marshal of his Majesty's Leeward and Earibbee Islands in America, in the Room of Patrick Crawford, Esq; who resign'd.

John Dalby of Hurst, Esq; chose one of the Verdurers of Windsor Forest, in the Room of William Angell, Esq; deceas'd.

——— Laws, Esq; Governor of Bombay.

Mr. James Cecil, made Clerk of the Jurats in the Court of Common-Pleas.

Thomas Mitchell, Esq; Captain of a Company in the Regiment of Foot late General Tatton's.

Mr. Drew, Chaplain to Sir John Thompson, Lord Mayor.

Mr. Molloy, Treasurer of Christ-Church, Dublin.

Dr. Wilcox, chose Master of Clare-Hall, Cambridge, in the Room of Dr. Adams, Master of Sidney-College.

Births.

The Princess of Brasil deliver'd of a Daughter.

Lord Teynham's Lady, of a Son.

The Dutchess of Holstein-Ploen, of a Prince.

A Woman in Vere-street, of her 35th Child by one Husband.

The Lady of the Hon. Richard Arundel, Esq; of a Daughter.

Marriages.

Col. Eoker of the Guards, married to Miss Watson, worth 4000*l.* and 200*l.* per Annum.

Philip Hollingworth, Banker in Lombard-street, to Miss Hope, at Norton-Folgate.

Thomas Fox, aged 86, to Frances Fuller, aged 76.

Mr. Burrington, Son of William Burrington, Esq; of Lestwithiel, Cornwall, to Miss Perry of Saltash.

Sir William Lowther, Bart. of Yorkshire, to Miss Ramsden, Sister to Sir John Ramsden, Bart. worth 20,000 l.

Thomas Eversfield, Esq; to the Relict of Kenrick Dawkins, Esq; worth 15,000 l.

~~Sir Robert Jafon, Bart. to Miss Collins, June~~

Lord Viscount Andover, eldest Son to the Earl of Berkshire, to the Lady Mary Finch, 2d Daughter to the Earl of Aylesford.

Lord Sidney Beauclerk, Brother to the Duke of St. Alban's, to Miss Norris, worth 60,000 l.

Lewis Way, Esq; of Stretham, Surry, to Miss Philadelphia Newnham, Sister to the Solicitor General's Lady, worth 12,000 l.

Jacob Wright of East-Sheen, Esq; to Miss Rewberry, worth 500 l. per Ann.

Samuel Lane, Esq; to Miss Wilson, an Heiress, worth 14000 l.

Cornelius Laughton, Merchant, to Miss Ingram, with 6000 l. and 4000 l. per Ann.

John Taunton of Castletown, Dorsetshire, Esq; to Miss Staveloy of Hammersmith, an Heiress worth 12000 l.

George Richards of Queensborough, Kent, Esq; to Miss Ballard, sole Heiress to William Ballard of Chatham, Esq;

Deaths.

Don Joseph Patinho, dy'd at Madrid, October the 23d, O. S. He was Prime Minister, and Secretary of all the Dispatches of the King of Spain. He was originally a Milaneze, and first began to be taken Notice of towards the Close of the Administration of Cardinal Alberoni, and after the Duke of Riperda's Disgrace, he had a Share in the Management of all Affairs under the Queen's Direction with the Marquess de la Paz, upon whose Ruins (during the Stay of the Court at Seville for political Reasons) he raised himself to that Dignity; and he would have dy'd with Pleasure, says our Author, if he could have brought about his grand Point in View, viz. The Reduction of his Native Country under the Dominion of Spain.

James Cunningham, Merchant, at Dublin, by whose Death, 20,000 l. fell to his Nephew, James Cunningham, Merchant at London.

Isaac Franks, Esq; a Jew Merchant, worth 300,000 *l.* who for several Years past has given 5000 *l.* per Ann. to the Poor.

Darby Egan, Esq; in *Chancery-lane*, Recorder of *Kilkenny* in *Ireland*. He left 10 *l.* a-Year to poor Widows, and 20,000 *l.* to his Nephew *Mr. Egan*.

Sir Fisher Tench, Bart. at *Low-Layton* in *Essex*. He was formerly Member in several Parliaments for the Borough of *Southwark*, created a Baronet in the 2d Year of King *George I.* marry'd *Elizabeth*, Daughter of *Robert Bird*, of *Staples-Inn, Esq;* by whom he had five Sons and four Daughters: He is succeeded by his only surviving Son, *Sir Nathanael Tench*.

Stephen Perry, Esq; at *Dartford, Kent*, worth 100,000 *l.* which he has left to his Nephew, *Stephen Perry*, a Baker in *Hampton, Gloucestershire*.

Mr. John Keene, Collector of the Customs at *Wells, Norfolk*, and Uncle to *Mr. Keene*, Plenipotentiary at *Madrid*.

William Metcalfe, of *Banbury, Oxfordshire, Esq;* in *Red-Lion-Square*. He was Fellow of *Queen's College, Cambridge*.

Sir William Honeywood, Bart. in *Kent*.

Salway Winnington, Esq; in *Worcestershire*, Father of *Thomas Winnington, Esq;* one of the Lords of the Treasury.

Abraham Finch, Merchant, immensely rich, at *Stoke-Newington*.

Mr. Lovett, Serjeant-Porter to his Majesty.

Miss Jenkinson, a Maiden Lady, in *New Bond-street*, being in her Parlour, and as suppos'd in a Fit, fell into the Fire and was burnt to Death.

Robert Fenwick, Barrister at Law, in *Gray's-Inn*.

Brigadier Stewart at *Bath*.

George Turner, Esq; of *Swannie, Denbighshire*, at *Paris*. He was possess'd of 800 *l.* a Year.

Mr. Sale, in *Surrey-street* in the *Strand*: He translated the *Koran of Mahomed*, was one of the Authors of the *Universal History*, also of the *General Dictionary*, which includes *Bayle*, in translating of whom he exerted himself, as being a Work agreeable to his own Genius; he was reckon'd to understand the Oriental Languages better than any other Man in *England*.

Hon. Mrs. Fernegan, Wife of *Dr. Fernegan*, Sister to *Lord Teynham*.

Mrs. Mary Jenens, a Maiden Lady of prodigious Bulk, tho' under 30 Years of Age, at the *Oxford-Arms Inn* in *Warwick-Lane*. She left her Fortune of 80,000 *l.* to a Nephew and two Nieces; and ——— *Jenens, Esq;* of *Northam,*

Northaw, Executor. She was buried in a Suit of Velvet at *Christ-Church* in *Newgate-street*; her Coffin was six Feet six Inches long, two Feet nine Inches over, and cover'd with Velvet. This Lady never had any fix'd Dwelling, but remov'd from one Inn to another, (sometimes in *London*, at other Times in the Country) where she often continued three or four Months at a Time, with a Steward, two Women Servants, a Coachman and Footman, and seldom went out of her Chamber all the Time. She constantly discharged her Reckoning every Night, paying in the most generous Manner for what she had; but never let them know who she was, nor would ever see any Body but her Servants.

Edward Harrison, Esq; one of the Governors of *St. George's Hospital*.

George Willy, Esq; at *Wimbleton*, possess'd of 2000 *l.* per Ann.

General Groves, in *New Bond-street*.

Mr. Allabay, Maltster at *Leigh* in *Essex*, worth 20,000 *l.*

Thomas Stiles, Esq; at *Kensington Gravel-pits*, worth 800 *l.* a-Year.

Christopher Lethuillier, Esq; at *Bath*. He was a Director of the Bank.

Thomas Lewis, Esq; at *Soberton* in *Hampshire*. He was Father-in-Law to the Earl of *Plymouth*.

The Lady of *Sir Robert Clarke*, Bart. in *Oxfordshire*, Sister to *Sir Francis Skipwith*.

Mr. Samuel Hughes, Deputy Comptroller of the Exchequer, a Place worth 180 *l.* a-Year.

Anthony Keck, Esq; in *Southampton-street*, worth 7000 *l.* a-Year.

Rev. *Mr. Jackson*, Lecturer of *St. Faith* and *St. Austin*, *London*.

At his House at *Highgate*, *Samuel Vane*, Esq;

John Price, Esq; Architect of *St. George's Church* in *Southwark*.

Edward Treby, Esq; who had served his Country in several Parliaments.

John Trevanion, Esq; formerly Knight of the Shire for *Cornwall*.



